

LEGISLATIVE ASSEMBLY OF MANITOBA

Wednesday, 30 June, 1982

Time — 2:00 p.m.

OPENING PRAYER by Mr. Speaker.

MR. SPEAKER, Hon. J. Walding: Presenting Petitions . . . Reading and Receiving Petitions . . . Presenting Reports By Standing and Special Committees . . .

MINISTERIAL STATEMENTS AND TABLING OF REPORTS

MR. SPEAKER: The Honourable Minister of Government Services.

HON. S. USKIW: Mr. Speaker, I don't know if this is the appropriate time. I do want to make a non-political announcement. If this is the appropriate time, I will proceed.

MR. SPEAKER: Does the Minister have leave? (Agreed)
The Honourable Minister.

NON-POLITICAL STATEMENTS

HON. S. USKIW: Mr. Speaker, members opposite would be familiar with one Peter Dygala, the Registrar of the Motor Vehicles Branch, who is retiring effective this month. It seems to me, given the fact that Mr. Dygala over many years has interfaced with so many political people as long as I can remember and I'm sure in the memory of members opposite beyond that date as well, that I thought it would be appropriate to mention the fact that we have had good service from a good civil servant who is retiring, and want to convey a message from this Chamber wishing that person well in his retirement. Hopefully from time to time, we will be able to meet him and enjoy his company.

I would also like to indicate that there will be an appropriate card circulated throughout the Chamber later on for members' signatures and that at 7:30 this evening there will be a reception in my office and everyone is welcome.

MR. SPEAKER: The Honourable Leader of the Opposition.

HON. S. LYON: Mr. Speaker, I know that everyone on this side of the House would want to associate himself and herself with the remarks just made by the Minister with respect to Peter Dygala.

From time to time, on both sides of the House, we tend to take for granted some of the dedicated, hard-working civil servants who have served faithfully and well the people of this province for a long span of years. I think, we, who are close to those operations, whether on the Opposition or the Government benches, sometimes do fall victim to that disease of taking them for granted.

Peter Dygala stands like a shining light amongst that galaxy of people who have served long and well. I personally have known him since I was a law student

in the Attorney-General's Department when he was working in the Motor Vehicle Branch at its old location. He worked up through the ranks - I believe at one time it was over in the building that no longer exists behind the Law Courts Building - he worked up through the ranks and became a distinguished Registrar as indeed Manitoba had had distinguished ones before him and has served this province extremely well.

So we do want to associate ourselves publicly with the comments just made by the Minister and I'm sure that as many as possible will take advantage of his kind offer of hospitality in order that we may see Peter Dygala and wish him well personally tonight.

Mr. Speaker, I have a brief non-political statement if I have leave to make it.

MR. SPEAKER: Does the member have leave? (Agreed) The Honourable Leader of the Opposition.

HON. S. LYON: Mr. Speaker, we will have all seen in the newspaper today a note of the death of Igor Gouzenko and I think it would be appropriate if this House noted the death of a man who was, and his memory will be that of a great Canadian patriot. The people of this country, indeed all of the people of the free world, owe a debt of gratitude to this brave man. I can remember and others in this House perhaps can remember when this anonymous cipher clerk from the Embassy of the Soviet Union in Ottawa defected and brought with him corroborative papers showing a mass network of espionage that existed, not only in Canada but in the United States and Great Britain as well. That information led to an increase in the security for all of the free nations of the western world from which, I hope, we still benefit today.

So, Sir, I think it would be appropriate that this House note the passing of a great Canadian. A man who was remarked upon by the Royal Commission which looked into this espionage ring immediately after the War and noted his key role and called him then one of the great Canadian patriots. He lived for many years under the threat of bodily harm or extermination from the Soviet Government and from its agents and God protected him and he lived to pass away quietly a few days ago still in the bosom of the country that he chose to defect to and which became his native country.

I think we all, as free people, would want to stand in testament to what we owe to Igor Gouzenko, to his example of bravery which I'm sure has served as an inspiration for many other thousands of people around the earth.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. R. BANMAN: Mr. Speaker, I'd also like to make a Non-Political Statement.

MR. SPEAKER: Does the member have leave? (Agreed).

The Honourable Member for La Verendrye.

MR. R. BANMAN: Thank you, Mr. Speaker. I'd like the members of the Chamber to join me in wishing Nuiok Joyal, one of our Pages here in the Legislature, well. She has been chosen to be a Page in Ottawa this coming year. She's a constituent of mine; we're proud of her in the Constituency of La Verendrye and I know that all members would wish her well over there.

I understand that Paula Gunn, who is the other Page, is also waiting for a call and the House would also wish her well and hope that she will also get called to Ottawa.

Thank you.

MR. SPEAKER: Ministerial Statements and Tabling of Reports . . . Notices of Motion

INTRODUCTION OF BILLS

HON. J. COWAN introduced Bill No. 67, An Act to amend The Legislative Assembly Act. (Recommended by the Lieutenant-Governor)

INTRODUCTION OF GUESTS

MR. SPEAKER: Before we reach Oral Questions, may I direct the attention of honourable members to the gallery where we have Kay Moorhouse and two students from the Sullivan Central High School in Blountville, Tennessee. These visitors are guests of the Honourable Member for Niakwa.

On behalf of all of the members I welcome you here this afternoon.

ORAL QUESTIONS

MR. SPEAKER: The Honourable Member for Tuxedo.

MR. G. FILMON: Thank you, Mr. Speaker. My question is for the Honourable Minister responsible for Housing in the province. I wonder if he can confirm that the applications for the Critical Home Repair Program are now running behind in processing in numbers that are approaching the thousands. I wonder if he could confirm that for us.

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. A. MACKLING: Yes, Mr. Speaker, I'm happy to confirm that the take-up on the Critical Home Repair Program has been exceedingly good and as we've had, when we initiated that program some years ago, we have a backlog and that is expected to be the case because we haven't hired a flood of Civil Servants to deal with all of that work; we hope to be able to deal with in a reasonable time frame.

We have always ran with a number of applications behind. I don't think the number is excessive. If it's necessary, of course, we'll hire new staff. Mr. Speaker, we're very prudent about the hiring of people, but we're happy that program is going so well that we do have a backlog.

MR. G. FILMON: Well, Mr. Speaker, I have had calls during the past couple of weeks that would indicate that people who applied in December, immediately

following the large advertising campaign which MHRC undertook to announce the renovation of this program, have still not had their applications processed.

Now, does the Minister think that seven months is a reasonable length of time, given the fact that we are almost approaching the point where construction arrangements are going to be too late to be made? Is that a reasonable length of time to process an application?

HON. A. MACKLING: Mr. Speaker, I don't think that applications that have been pending from December should be considered to be a normal course of events. I would have assumed that if the honourable member had any knowledge about applications that are as old as December he would have sent to me or my department and, as he has in the past, indicated to me concerns of constituents. They've been responded to very quickly, any member of this House.

So if the honourable member has any information about applications that are seven months old, it was his duty to bring them to my attention as soon as he heard about them, give me the details.

MR. G. FILMON: Mr. Speaker, it just happens that as Housing critic I'm being called from all over the province. These are not isolated instances. In fact, in checking with MHRC, it appears as though, indeed, this is the general set of circumstances. I'm bringing it forward to the Minister right now. My question is, what's he going to do about it?

HON. A. MACKLING: Mr. Speaker, I've indicated that our response to that program has been very effective. We've hired additional inspectors. We're going to hire more, but we're not going to hire unnecessary numbers of civil servants and then the honourable member will be criticizing us for hiring too many people.

We have a very successful program; so successful that we are meeting the needs of all people in this province, including constituents of the honourable member, but the honourable member, Mr. Speaker, has a habit of producing problems that vaporize when I look into them.

MR. SPEAKER: Order please. The Honourable Minister of Northern Affairs.

HON. J. COWAN: Thank you, Mr. Speaker. This morning the Member for Turtle Mountain asked me a question as to what action the Environmental Management Division was going to be undertaking in respect to a number of complaints about emissions at the Simplot Chemical Company location in Brandon. At that time, I indicated to him that we were reviewing an option which would ask the Clean Environment Commission to convene a public hearing in Brandon as soon as possible, to review the limits, terms and conditions of the existing Clean Environment Commission Order No. 871, and if they were to deem it appropriate, they would issue a new Order.

I wanted to inform the member in the House, since he had asked the question in the House, that we have over the course of the morning made the decision to follow that course of action, given the fact that there was another set of emissions last night which caused

concern among residents in the area. We feel that this will give both the residents of the area and Simplot Chemical Company an opportunity to very clearly state those concerns and what actions they will be taking in respect to alleviating any problems which may exist at the current time.

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Speaker, I thank the Minister of the Environment for that question and would advise the House that the Opposition is foregoing any further questioning in order to facilitate the business of the House.

BUSINESS OF THE HOUSE

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Mr. Speaker, on the same theme, I have a short statement to make with respect to the Business of the House.

Mr. Speaker, Bill 30 is an important piece of legislation. Essentially, it deals with questions pertaining to the management of the business of the Assembly, by the Assembly. It is clearly the kind of legislation which, if at all possible, should obtain a measure of consensus. Although discussions have taken place between members on both sides of the House for several weeks, continuing, Sir, indeed, until late this morning, regrettably there remains substantial differences. These are differences, which it is now clear, cannot be resolved quickly. It is our view that other highly important pieces of legislation should not be unduly delayed this account.

Accordingly, the Government will refer the subject matter of the bill to an Intercessional Committee for further study. Having said that and before concluding with a statement, I will continue to rub Aladdin's lamp in hope that the genie of consensus emerges therefrom at some point.

I would like, in concluding this remark, once again to pay tribute to the work which the Member for Springfield has done in looking into this important matter. I would ask that the Opposition, and we would gladly give leave, so that I can carry forward this Resolve and the intent of this statement, consider withdrawing the proposed Amendment to Bill 30 by the Member for La Verendrye so that I could deal with the substance of the matter by a further motion.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. B. BANMAN: Yes, Mr. Speaker, I would withdraw that Amendment.

MR. SPEAKER: Does that have leave of the House? (Agreed)

The Honourable Leader of the Opposition.

HON. S. LYON: Mr. Speaker, speaking to the Point of Order raised by the House Leader I would say that we subscribe, on this side of the House, to the statement

that he has just made about the need for consensus on this kind of a bill. I think that the decision that has been made by the government to refer to the bill to an Intercessional Committee is a wise decision and one that we will support.

ORDERS OF THE DAY

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Mr. Speaker, I move, seconded by the Minister of Health, that Bill No. 30, The Legislative Assembly Management Commission Act, be not now read a second time, but that the order for Second Reading be discharged, the bill withdrawn and the subject matter thereof referred to the Standing Committee on Rules of the House.

MOTION presented and carried.

HON. R. PENNER: Thank you, Mr. Speaker, would you please call the Adjourned Debates on Third Readings in the order in which they appear in the Order Paper, Pages 3 to 5 inclusive.

ADJOURNED DEBATES ON THIRD READING BILL NO. 2 - THE RESIDENTIAL RENT REGULATION ACT

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 2, standing in the name of the Honourable Member for Fort Garry.

MR. L. SHERMAN: Mr. Speaker, it's not my intention to speak in any length on this bill. My colleague, the Honourable Member for Tuxedo, has put the position of the Progressive Conservative Opposition with respect to Bill 2 very clearly and very directly within the last 24 hours in this Chamber. I did speak to this bill on Second Reading and advised at that time that we in the Progressive Conservative Party recognize the requirement for protection of renters in Manitoba against onerous rental burdens, unjustified rental increases and difficulties of that sort that impact upon their social and economic well-being. We believed that we had a good mechanism in place for addressing that problem and that challenge. Obviously, there have been concerns expressed, both within and without the Legislature, having to do with that mechanism and the government has proposed some adjustments and refinements to our Rent Control Bill.

Some of the suggestions initially advanced by the government were suggestions that were not acceptable, in our view, to the Legislature or to the public because of the damage that we felt they would do to the shelter industry and the availability of shelter for Manitobans. As a consequence, some adjustments have been made during committee study and committee evaluation of the bill.

At this point in time, Sir, we are prepared to see the bill go to the vote on Third Reading.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: I will close debates in the absence

of the Minister of Consumer Affairs.

MR. SPEAKER: The Honourable Minister will be closing debate.

HON. R. PENNER: Just very very briefly, Mr. Speaker, I recognize the obvious, that rent control will not build housing. It appears from the . . .

MR. SPEAKER: Order please. The Honourable Member for Virden on a point of order.

MR. H. GRAHAM: Just on a technical point. I don't believe the Minister is closing debate on Third Reading. I don't think you can close debate on Third Reading.

HON. R. PENNER: Thank you. I will be very brief. I just wanted to make the point that we recognize, as do the Members of the Opposition that have made the point, that rent control does not build housing. It appears - at least, in our view - the experience of the last few years . . .

MR. SPEAKER: Order please. I thank the Honourable Member for Virden for drawing that fact to the House's attention. I find that when the bill was introduced, it was introduced by the Honourable Attorney-General who has already spoken to the bill.

QUESTION put, MOTION carried

BILL NO. 19 - AN ACT TO AMEND THE LANDLORD AND TENANT ACT

MR. SPEAKER: On the proposed motion of the Honourable Attorney-General, Bill No. 19, standing in the name of the Honourable Member for Sturgeon Creek.

MR. F. JOHNSTON: Mr. Speaker, this morning when my colleague, the Member for Tuxedo was speaking, he referred to a section of the bill, 116.1, that was concerning him and I've had the opportunity over the lunch hour to have discussion with my colleague and he has satisfied me that he believes this problem will be remedied by the administration through The Landlord and Tenant Act and the landlord-tenant.

The only other thing that I had concern about, Sir, is that The Landlord and Tenant Act is one that is companion to rent controls and I can always remember while I was working with tenants and landlords, they had concerns at all times, that people working within the Landlord-Tenant Department - let's call it - were knowledgeable about problems of the tenants and problems of the landlord. I would only like to suggest, Mr. Speaker, that while the expansion of the department for the Rent Control Bill is being taken care of, I would suggest that the people that are involved in The Landlord and Tenant Act be very knowledgeable about problems of the tenants and the landlord, Sir.

Thank you.

QUESTION put, MOTION carried.

BILL 20 - THE CONDOMINIUM ACT

MR. SPEAKER: On the proposed Motion of the Hon-

ourable Attorney-General, Bill No. 20, standing in the name of the Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, we are prepared to vote on Third Reading.

QUESTION put, MOTION carried.

BILL 21 - THE COMMUNITY CHILD DAY CARE STANDARDS ACT

MR. SPEAKER: On the proposed Motion of the Honourable Attorney-General, Bill No. 21, standing in the name of the Honourable Member for Kirkfield Park.

MRS. G. HAMMOND: Mr. Speaker, we are prepared to let this go to Third Reading for a vote.

QUESTION put, MOTION carried.

BILL 23 - THE LEGAL AID SERVICES SOCIETY OF MANITOBA ACT

MR. SPEAKER: On the proposed Motion of the Honourable Minister of Community Services, Bill No. 23, standing in the name of the Honourable Member for St. Norbert.

MR. G. MERCIER: We are prepared to vote on Third Reading, Mr. Speaker.

QUESTION put, MOTION carried.

MR. B. RANSOM: On division, Mr. Speaker.

MR. SPEAKER: On division? (Agreed)

BILL 26 - THE HUMAN RIGHTS ACT

MR. SPEAKER: On the proposed Motion of the Honourable Minister of Municipal Affairs, Bill No. 26, standing in the name of the Honourable Member for St. Norbert.

MR. G. MERCIER: We are prepared to vote on Third Reading.

QUESTION put, MOTION carried.

BILL 27 - THE SUMMARY CONVICTIONS ACT

MR. SPEAKER: On the proposed Motion of the Honourable Member for Community Services, Bill No. 27, standing in the name of the Honourable Member for St. Norbert.

MR. G. MERCIER: I believe we are prepared to vote on this motion.

QUESTION put, MOTION carried.

MR. B. RANSOM: On division, Mr. Speaker.

MR. SPEAKER: On division? (Agreed)

BILL 31 - THE CHILD CUSTODY ENFORCEMENT ACT

MR. SPEAKER: On the proposed motion of the Hon-

ourable Minister of Community Services, Bill No. 31, standing in the name of the Honourable Member for Morris.

MR. C. MANNES: We are prepared to vote on Third Reading, Mr. Speaker.

QUESTION put, MOTION carried.

BILL NO. 40 - AN ACT TO AMEND THE LABOUR RELATIONS ACT

MR. SPEAKER: On the proposed Motion of the Honourable Attorney-General, Bill No. 40, standing in the name of the Honourable Member for St. Norbert.

MR. G. MERCIER: Mr. Speaker, I want to place on the record as briefly as I can the objections that we have on this side to this bill. Mr. Speaker, we believe the bill was bad when it was introduced for Second Reading in this House and we believe that it is now worse, Mr. Speaker, after the amendments that were made by the government in committee.

Mr. Speaker, essentially what the amendments in committee do to this bill is to remove the discretion of the Labour Board that was formerly in the bill. Formerly, when the Minister referred a set of wage negotiations to the Labour Board, the Labour Board had the discretion where it deemed it advisable not to impose a first contract, Mr. Speaker. These amendments take away that discretion from the Labour Board, Mr. Speaker, so that once the Minister has referred a matter to the Labour Board, they have no discretion not to settle a first contract. They must settle a first contract unless the parties happen to settle themselves.

Now, Mr. Speaker, I think what might be enlightening to the members, to read from a decision of the Canada Labour Board a few paragraphs involving CUPE and Huron Broadcasting Limited, where the Canada Labour Board referred to the legislation in existence in other provinces, Mr. Speaker, where there is this discretion in the Labour Board not to impose a first collective agreement; and they said, Mr. Speaker, that the Board adds that according to Section 171.1 it has the discretion to decide whether or not to impose a first collective agreement. Parties, particularly union parties, who might feel they are automatically entitled to the imposition of a first collective agreement and who might therefore systematically neglect to exercise restraint and responsibility in collective bargaining, might very well do themselves a disservice. Employers of the same ilk might bitterly regret having let their cases take the route leading to adjudication by this board. Having considered the matter, the board has reached a first conclusion.

Insertion of Section 171.1 in the code creates an exception to the general system and its general thrust; an exception that does not relieve the parties of their obligation to continue to make the efforts normally expected of them with a view to freely reaching an understanding and to negotiating their own collective agreement. Interventions by this board will be the exception rather than the rule, and the possibility of such an intervention does not absolve parties from

their obligation and duty to do all in their power to conclude a collective agreement.

So, Mr. Speaker, it is the policy of the other labour boards, under their legislation, under the discretion they have, to make the imposition of a first contract an exception rather than the rule and they have that discretion under, it would appear, all of the other legislation; but the Minister, in this case, and the government have removed that discretion completely from the Labour Board, so that they must impose a first contract.

So that, Mr. Speaker, while we thought the legislation was bad when it was first introduced, we think it is worse now with the absence of that discretion. I say to the Minister and to the government, there was no notice given with respect to the public in respect to these amendments, which were introduced at committee. I believe that to be very unfair, Mr. Speaker, when amendments of that kind are introduced, substantial amendments, introduced at committee without notice to the public. Mr. Speaker, we certainly objected at committee, but I present, Mr. Speaker, that type of practice where significant amendments to a bill are brought forward by the Minister in committee without notice to the public. The public is aware certainly that a bill in a certain form is going to the committee. Had there been notice given with respect to the kind of amendments that were being introduced, then I think there may very well have been a great deal more opposition and there certainly has been a great deal of - at least I'm aware, Mr. Speaker, of objections not only to the original bill, but serious objections by the Canadian Manufacturer's Association, for example, and the Winnipeg Chamber of Commerce - objections to the amendment that was made in committee.

We believe, Mr. Speaker, this bill should not be passed, particularly now with these amendments. We believe that the bill and its amendments erode the principle of free collective bargaining, Mr. Speaker. It would be too easy - it certainly is a possibility that it will be too easy - for parties, either party, Mr. Speaker, not to negotiate in good faith; knowing that once the Minister refers a matter to the Labour Board, a first contract must be imposed by the Labour Board. So once the Minister makes that decision the first contract must be imposed and the Labour Board does not have that kind of discretion that it should have and it does have in other legislation, Mr. Speaker.

We think there are long-term dangers to this sort of legislation for mandatory contracts, Mr. Speaker, and this bill may very well result in a loss of investment and employment opportunities in Manitoba when investors, particularly those from outside of the province, see that this type of legislation is in effect in this province. Mr. Speaker, I could speak for some time on other aspects of this bill but basically, I think, our objections were, in general, placed on the record at Second Reading and now we say, Mr. Speaker, this is a worse bill after the amendments were made to it in committee.

MR. SPEAKER: The Honourable Member for Kildonan.

MS M. DOLIN: Mr. Speaker, I think it's important to also put on the record, in light of the recent remarks,

the timing that is built into this bill and the reason for the amendments that were passed in committee. The Minister does have discretionary powers and we need to be very clear that this does exist within this bill. The Minister has the discretion of referring or not referring the matter.

Also, within the bill is contained a timing that could be up to a year that the parties are negotiating. The very minimum is more than half a year; 90 days must expire before the matter can be referred - 90 days after the certification of the bargaining agent, and that time period may have been extended for a subsequent 90 days, under another section of the Act, or even longer than that; that they have already been bargaining before they even apply to the Minister. After that time the Labour Board has 60 days in which to investigate and determine whether or not they think the parties are close to reaching an agreement. If they think the parties are close to an agreement after 60 days, they may give the parties another 30 days to in fact settle their own contract. Then, if that doesn't happen, the Labour Board takes back the problem and does, in fact, within 30 days settle a contract.

Now, if the parties have not been able to settle within a time period that is a minimum of seven months and a maximum of whatever they decide it should be before they apply, there is an obvious need for third party intervention and that is what the bill is written to do.

MR. SPEAKER: The Honourable Minister of Northern Affairs.

HON. J. COWAN: Thank you, Mr. Speaker. Well in light of the comments which have been made from the Member for St. Norbert, respecting the specifics of the bill, and the clarification which has been made by the Member from this side, I think as Acting Minister of Labour it's important for me to just very briefly address the principle, the general principle of the bill, because I don't want that to become lost in these final moments of discussing the specifics of the bill.

The Member for Turtle Mountain says that he is concerned that this will erode free collective bargaining in the province. I would suggest to him that it will do exactly the opposite; that in fact this bill has been very carefully thought out and designed to ensure that parties entering negotiations know that they have a responsibility to negotiate and live up to that responsibility to negotiate. If they fail that responsibility this provides an alternative mechanism to encourage them to negotiate.

I think, having reviewed the history of what has happened in other jurisdictions where there is legislation of this sort, one would come to that conclusion as well. It acts as an enticement for two parties, who sometimes become intransigent over minor or major items of a contract, to look to the future and know that if they cannot settle those particular items themselves, that there is an alternative mechanism which one or the other or both parties can apply to, to ensure that those items are going to be settled. I think that will provide an incentive and a motive for them to sit back and begin the discussions over again, or continue the discussions if they're ongoing, with the purpose of resolving that problem. Those parties want to resolve

their problems themselves. That is a given; and with that case, they sometimes need some assistance and that is what this particular bill is intended to do, to provide exactly that type of assistance. I think what has to be done now is the bill has to be tested. I think it will pass that test. As a matter of fact I know, given the circumstances of other jurisdictions, that it is going to pass that test. It is going to, in fact, provide the type of negotiating environment that we believe is important to ensure that parties that are coming into negotiations, sometimes experienced, sometimes inexperienced, have all the tools available to them to reach a collective agreement because that is what we want to see happen. We don't want to see strikes happen; we don't want to see long, drawn out divisive sorts of negotiations ongoing which do nothing to provide a type of labour relations climate in this province which I know we would all like to see. We want to provide opportunities for settlements to take place in a rational and a consistent way. This tool, and it is no more nor no less than a tool, will allow both parties, employers and employees, the opportunity to explore every possibility in respect to reaching a collective agreement.

For that reason, I think it must be commended to the House and I do so. I look forward to the discussions that we will have in the future on this bill because I know they, in fact, will prove out the statements which we have made in respect to this bill, encouraging settlements rather than acting in the opposite way.

QUESTION put, MOTION carried.

MR. G. MERCIER: Yeas and Nays, Mr. Speaker.

MR. SPEAKER: Call in the members. The question before the House is on the proposed motion of the Honourable Attorney-General, Third Reading of Bill No. 40. Those who are of that opinion please rise.

A STANDING VOTE was taken, the result being as follows:

YEAS

Messrs. Adam, Anstett, Ashton, Bucklaschuk, Corrin, Cowan, Desjardins, Mrs. Dodick, Messrs. Doern, Ms Dolin, Messrs. Eyler, Fox, Harapiak, Harper, Mrs. Hemphill, Messrs. Lecuyer, Mackling, Penner, Ms Phillips, Messrs. Plohan, Santos, Scott, Mrs. Smith, Messrs. Storie, Uskiw.

NAYS

Messrs. Banman, Blake, Brown, Downey, Driedger, Enns, Fimon, Gourlay, Graham, Mrs. Hammond, Messrs. Hyde, Johnston, Kovnats, Lyon, Manness, McKenzie, Mercier, Nordman, Mrs. Oleson, Messrs. Ransom, Sherman.

MR. ACTING CLERK, G. Mackintosh: Yeas, 25; Nays, 21.

MR. SPEAKER: The motion is accordingly passed.

Is it the intent of the Government House Leader to proceed with amended bills on third reading?

THIRD READING

**BILL NO. 36 - AN ACT TO AMEND
THE HIGHWAY TRAFFIC ACT**

BILL NO. 36 was read a third time and passed.

**BILL NO. 51 - AN ACT TO AMEND
THE CHILD WELFARE ACT**

HON. R. PENNER presented Bill No. 51, An Act to amend the Child Welfare Act for Third Reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Fort Garry.

MR. L. SHERMAN: Mr. Speaker, had the Minister of Community Services been willing to accept an amendment that was proposed by our side to Bill 51 we would be voting in favour of the bill. Since he did not, Mr. Speaker, we will be registering our unhappiness with the bill and our feeling that it is unacceptable legislation. When the Minister introduced his bill on Second Reading, he made the point that there were some fairly important amendments contained in it, but for the most part there was nothing that would worry anybody and most of the amendments proposed were of a housekeeping nature. There was nothing too substantive to be concerned about. In fact it was presented as a fairly innocuous piece of legislation.

Well, Mr. Speaker, there is nothing innocuous about it. In fact it's a very thinly disguised attack on the Children's Aid Society of Winnipeg in my view. The bill is a disguise for the Minister's main motive, which is to divide and possibly even fragment the authority in the City of Winnipeg to apprehend children in need of protection; to set up other agencies or quasi-agencies in competition with the Children's Aid Society. Mr. Speaker, the innocent victims in the tug-of-war and the competition that will ensue from this or that could potentially ensue from this, will be the children themselves who are in need of protection.

A simple amendment proposed on this side would have remedied that situation and protected the authority, the status and the integrity of the Children's Aid Society in urban centres such as Winnipeg, but the Minister would not accept that. What is more disturbing and worrying, Mr. Speaker, is that the existing legislation contains that protection, and the Minister is introducing amendments which take that out. The Minister is introducing amendments which refer to a specific section of the existing legislation which deals with the authority of child welfare committees and/or agencies to apprehend children and which recognizes that in those areas where there are Children's Aid Societies, there should be no fragmentation or divying up of the status and the responsibility. That reference, recognizing the Children's Aid Society, its importance and the importance of maintaining its integrity in those situations, is being taken out of the legislation by the bill that's in front of us right now.

Mr. Speaker, we propose an amendment that would put that back in, that would protect the Children's Aid Society, while providing the Minister with the leeway

that he needed to proceed with the Tripartite Arrangement on Indian Reserves and to proceed with the authorization of the Dakota Ojibway Agency and the Churchill Health Centre to do the jobs that they need to do. So, everybody would have been recognized and the proper authority would have invested in the proper agency or the proper machinery in each part of the province. The Minister is not willing to do that, he's not willing to give the Children's Aid Society of Winnipeg a vote of confidence, he's not willing to stand up for them; therefore, Sir, we are not willing to give him approval on this bill.

MR. SPEAKER: The Honourable Minister of Community Services.

HON. L. EVANS: Mr. Speaker, I don't know whether the honourable member has got a record player behind him with the needle stuck. He keeps on repeating something that I have long since shown to him quite conclusively. The concern that he has, it is meaningless. The concern that he has, it has no foundation in the bill; it has no foundation in being addressed by the amendment that the member proposes.

He refers to the fact that the legislation does not provide protection. I submit, Mr. Speaker, as I explained this morning, as I explained in committee, that amendment gives no protection whatsoever to the Children's Aid Society. I have stated publicly, furthermore, that the Children's Aid Society was doing a vital job, a valuable service and we were supporting them in doing an even more effective service in the past; but the honourable member keeps on talking about fragmentation and concern about establishment of Native children's aid societies in the midst of an existing Children's Aid Society. I want to remind him of the speech he made on May 5, 1978, at the International Inn for the Children's Aid Society in Winnipeg whereby he suggested it may very well be that we should have a Native-run children's aid society in effect in the City of Winnipeg.

He makes specific reference to the desirability of perhaps moving in this direction and he's talking to the Children's Aid people and he's saying that, and I'll quote, "At least I believe this is an area that deserves careful examination. It's too early to suggest that a Winnipeg Native children's aid society would be able to do a better job for Native children with so many Native children in care and with our government committed to the belief that Manitobans should do more for themselves. I believe we owe it to the child welfare system and those that serve us to give this idea some study. I would solicit your help in that undertaking." Mr. Speaker, he goes on recognizing the fact that there may be a need to create a Native child welfare service. So I suggest, Mr. Speaker, the comments we've heard from the member now and in the past few days contradict, it seems to me at least, the philosophy or the policy position he was taking at that time when he was the responsible Minister.

I say, Mr. Speaker, there's really much ado about nothing. As I pointed out quite clearly, the bill gives ultimately the authority, the power and the responsibility to the Government of Manitoba as a representative of the taxpayers, to dissolve Children's Aid Society,

if necessary. There's a clear clause in Section 4 which says, "The government may dissolve a Children's Aid Society."

So I suggest that amendment and his concern that he is expressing in that amendment is totally without any substance; so I simply don't accept the comments of the Member for Fort Garry and I wish he'd get a copy of his old speech and read it over for his own edification.

MR. B. RANSOM: On division, Mr. Speaker.

MR. SPEAKER: On division? (Agreed)
The Honourable Minister of Health.

THIRD READING

BILLS NO. 53, 57, 58 and 63, as amended; and **BILLS NO. 24, 25 and 32** were read a third time and passed.

BILL NO. 33 - AN ACT RESPECTING THE ASSESSMENT OF PROPERTY FOR TAXATION IN MUNICIPALITIES IN 1981 and 1982

MR. L. DESJARDINS presented Bill No. 33, An Act to amend An Act respecting the Assessment of Property for Taxation in Municipalities in 1981 and 1982, for Third Reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Swan River.

MR. D. GOURLAY: Thank you, Mr. Speaker. During recent days' debate on Bill 33, the Minister had indicated that one reason he wanted the open-ended clause in Bill 33 was that the Assessment Review Report was not received by him by January 1st as was expected. I don't know of any arrangement that was ever made with the Assessment Review Committee that the report would be tabled by January 1st. I'd just like to read back an answer I got from the Minister on a question I posed to him regarding this fact. The Minister replied: "In response to that question, as the member well knows, the agreement that was made with the Assessment Review Committee was that the report would be presented to the Minister of Municipal Affairs by the end of March and I'm hopeful that will be so." The Minister indicated that the report he tabled in the House on April 19th, he had it for some two weeks prior to tabling as he was making extra copies, so the report was in the Minister's hands by the 1st of April or close to it.

The report also indicated that there were certain legislative requirements that had to be undertaken or were recommended to be undertaken at this Session of the Legislature in order that certain recommendations could be proceeded with in the year 1982. I know that the Minister has had a number of letters from various municipalities requesting that he proceed with the Assessment Review Report as quickly as possible.

One letter that I received a copy of from the Town of Swan River - a brief letter - it says, "Honourable Minister: I'm enclosing herewith the resolution of council

asking that the government take action and implement the recommendations of the Manitoba Assessment Review Committee as soon as possible. Yours truly, the Town of Swan River."

I know that there were a number of other letters that were forwarded to the Minister. The Union of Manitoba Municipalities has just completed seven regional meetings throughout the province, and after those meetings were over I contacted the office of the Secretary-Manager. He indicated to me that of those seven meetings, there were two resolutions passed and two letters of endorsement that the Minister be asked to proceed with; the majority of recommendations that were mutually agreed upon by the Union and that the Minister should get on with those recommendations as soon as possible.

Now the other night in committee we had several very good presentations on Bill 33 objecting to the bill. I might say that we were made aware by those presentations of serious situations that were contributed to by the passage of Bill 100 two years ago. However, there was a clause in that bill, as you know, that it would expire the end of 1982. The presentations that were made, of course, spelled out the open-ended extension created by Bill 33 and they were expressing severe concern with the many serious problems that are being created by the inequities that exist, especially in the downtown Winnipeg area.

Mr. Speaker, I think it's important that government be seen as working expeditiously; they also must be perceived as working expeditiously. However, Bill 33 could indicate that the Minister would have the permission to drag his feet as long as he wanted to and would not have to implement any of the recommendations; however, that is his prerogative.

The recommendations, of course, brought to the Minister, he doesn't have to accept the report or he may choose to accept the report or only part of it; however, with the open-ended clause in Bill 33 he can dilly dally around as long as he wishes to. The word that I'm getting from municipal people is their concern is that this whole process will be delayed too long and it will be impossible to actively proceed with the recommendations of the Assessment Review Report which we all know was a consensus of information that was provided to the committee over two or two and one-half years of work.

So, Mr. Speaker, with those comments there's no way that I can support Bill 33.

MR. SPEAKER: The Honourable Member for Minnedosa.

MR. D. BLAKE: Thank you, Mr. Speaker. I just wanted to register one or two words in comment on it also and indicate that, for the reasons that have been pointed out by the Member for Swan River, my colleague, I will not be supporting the bill either. I know in committee, and elsewhere, the Minister has gone to some lengths to explain how he would be acting as expeditiously as possible to implement the portions of this report, but I just want to say to the Minister that he has now some months before another Session is called and we will certainly be watching what progress is made on him acting on this report, and put him on notice that we'll be urging him into action if he hasn't already shown

some concrete evidence, because there are so many glaring inequities in the assessment in the city that have to be adjusted. It's just amazing that they have gone on that long and the revelation that the City of Winnipeg taxpayer has been denied the right of appeal; whereas the right of appeal exists elsewhere in the province is just inconceivable, Mr. Speaker, and for that reason alone we will be unable to support the bill.

So I just want to urge the Minister and say get on with this work as quickly as possible. There has been some two and one-half years of time gone into this study; it's a very thorough study, there are a great number of recommendations and I know not all of them are going to be acted on or maybe should be acted upon, but there are a great number there that could be and should be done as quickly as possible, and I urge the Minister to move on this as quickly as possible.

MR. SPEAKER: The Honourable Minister of Municipal Affairs.

HON. A. ADAM: Thank you, Mr. Speaker. Just in response to the honourable members opposite, I will deal with comments made by the Member for Minnedosa in that he indicates there has been no concrete action up to this point in time. I would inform you, Sir, that there has been concrete action. The staff is now doing assessments based on the recommendations in several areas of the province, and that information will be of value to Members of the Legislative Assembly so that we will know for sure what the implications are of the recommendations. That in itself is concrete action, in my opinion.

Further to that, Mr. Speaker, I have indicated that we will be setting up a Legislative Committee to go out in the province and hear the views and be able to dialogue to inform the people out there what the recommendations say, because I have a feeling and I think I'm correct when I say that people out there do not understand - not too many at least - the report and the recommendations. I would say further that I believe not too many have had time to read it and study it in depth. The fact that the member tries to, I would say posture, and to say there was a revelation now that suddenly they found out the property owners in the City of Winnipeg never had the right to appeal their assessment.

You know, Mr. Speaker, when they passed Bill 100 and Bill 33 is only an extension of that bill - they were well aware that they were freezing the assessment; they were moving the rights of citizens in the Province of Manitoba and in Winnipeg, not in the rural part of the province. They knew very well that those people would not have the right to appeal; they knew that. So, let them not try and posture now with that argument. —(Interjection)— My colleague from Springfield indicates that they are admitting that they had made an error when they brought in that bill.

Mr. Speaker, the Member for Swan River, who is the critic for the official Opposition, indicated that there had been a number of letters - not too many by the way - not too many urging us to proceed as quickly as possible, but there have been some. I want to say there was a resolution that I know of that was passed at

Swan River. I know not of the other resolution, but at least I know that there was one from Swan River, and at that meeting when staff asked some of the delegates if they'd had time to study the report and if they knew that certain recommendations were contained therein, they suddenly expressed surprise that certain recommendations were in the report and they indicated to my staff, oh well, if that is in there, I didn't know about it, so you should check into that and make sure that you look after that. You know, it's obvious, Mr. Speaker, that we do have to have further communication with the people to advise them exactly what's in the report.

Last night in committee, the Member for Swan River indicated that there was opposition to the bill. Mr. Speaker, they were not so much in opposition to the lack of a date or a time in the bill when the freeze would be lifted; that's not what they objected to, Mr. Speaker. They objected to Bill 100 and Bill 33. They didn't want a freeze, period. They were not interested in one year, two years, three years. They didn't want to see the bill, period. So, now let not members come here and say that there was objection in that regard. They were not very concerned about one year, two years; they didn't want to see the bill, period, Mr. Speaker.

MR. SPEAKER: Order please. The Honourable Member for Minnedosa on a point of order.

MR. D. BLAKE: I wonder if the Minister would submit to a question for clarification?

HON. A. ADAM: Mr. Speaker, I believe the bill is worded in such a way as to be fair to allow staff to put mechanism into place so that they can administer any legislation that is brought forth. Cabinet can even lift the freeze at any time after it's been in. So, this gives us the flexibility of one year. If we have to go beyond the one-year period, we shall do so.

Mr. Speaker, I want to say one thing before I close my remarks. That is that I intend to meet with the City of Winnipeg, but I notice that they were not at committee the other night to make their presentation. Why? I don't know. City was not there. It seems to me that they should have been there, but they were not.

Mr. Speaker, I would indicate that I intend to meet with the City of Winnipeg and my colleague, the Minister of Urban Affairs, to discuss with them the possibility that we can come up with some legislation within the year so that there will be provisions for appeal on those property owners in the City of Winnipeg who are not being dealt with in an equitable fashion.

MR. D. BLAKE: Thank you, Mr. Speaker. I wonder if the Minister would answer a question now in connection with the bill? Would the Minister have an opinion as when Bill 100 was passed, would he feel that if the former Member for Inkster knew that the City of Winnipeg property owners were being denied their right of appeal on their assessment, if he would have passed that bill without making a single comment in this House now?

MR. SPEAKER: The question before the House is the Third Reading of Bill 33. Are you ready for

the question?

QUESTION put, MOTION carried

MR. B. RANSOM: Yeas and nays, Mr. Speaker.

MR. SPEAKER: Call in the members.

Order please. The question before the House is on the proposed motion of the Honourable Minister of Municipal Affairs. It is moved and seconded that Bill No. 33 be now read a third time and passed.

A STANDING VOTE was taken, the result being as follows:

YEAS

Messrs. Adam, Anstett, Ashton, Bucklaşchuk, Corrin, Cowan, Desjardins, Mrs. Dodick, Mr. Doern, Ms Dolin, Messrs. Evans, Eyer, Fox, Harapiak, Harper, Mrs. Hemphill, Messrs. Lecuyer, Mackling, Malinowski, Penner, Ms. Phillips, Messrs. Plohman, Santos, Scott, Mrs. Smith, Messrs. Storie, Uskiw.

NAYS

Messrs. Blake, Brown, Downey, Enns, Gourlay, Graham, Mrs. Hammond, Messrs. Hyde, Johnston, Lyon, Manness, McKenzie, Mercier, Nordman, Mrs. Oleson, Messrs. Ransom, Sherman, Steen.

MR. CLERK: Yeas 27, Nays 18.

MR. SPEAKER: The motion is accordingly passed.
The Honourable Member for La Verendrye.

MR. R. BANMAN: Mr. Speaker, I was paired with the Minister of Mines. Had I voted, I would have voted against this motion.

MR. SPEAKER: The Honourable Member for Tuxedo.

MR. G. FILMON: Mr. Speaker, I was paired with the Honourable Minister of Consumer and Corporate Affairs. Had I voted, I would have voted against this motion.

MR. SPEAKER: The Honourable Member for Niakwa.

MR. A. KOVNATS: Mr. Speaker, I was paired with the Honourable Minister of Agriculture. Had I voted, I would have voted against this motion.

MR. SPEAKER: The Honourable Member for Emerson.

MR. A. DRIEDGER: Mr. Speaker, I was paired with the First Minister. Had I voted, I would have voted against this.

THIRD READING

BILLS NO. 34, 35, 43, 50 and 52 were each read a third time and passed.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, consequent on the earlier motion with respect to Bill 30, I request leave of the House to withdraw Bill 60, The Statute Law Amendment Act, from Third Reading and revert to Report Stage to make some consequential amendments.

MR. SPEAKER: Does the Minister have that leave? (Agreed)

REPORT STAGE

BILL NO. 60 - THE STATUTE LAW AMENDMENT ACT

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: On Report Stage then with respect to Bill 60, I move, seconded by the Minister of Health, that Section 21 of Bill 60 be amended by striking out Subsection (2) thereof, and by striking out the words "in this section referred to as the Act," in the second line of Subsection (1) thereof.

MOTION presented on Amendment and carried.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Thank you. My second motion with respect to the same bill, moved and seconded by the Minister of Health, that Bill 60 be amended by striking out Section 25 thereof, and renumbering Sections 26 to 42 and Sections 25 to 41, respectively, and by correcting the cross references contained in Section 42, as printed; Section 41 as renumbered accordingly.

MOTION presented on the amendment and carried.

MR. SPEAKER: Does the Honourable Attorney-General have a further amendment to that bill?

HON. R. PENNER: Yes, I would move, seconded by the Minister of Community Services, by leave, that Bill No. 60, The Statute Law Amendment Act (1982) be now read a third time and passed.

MR. SPEAKER: If there is no further amendment, the question before the House, is shall the Report of the Committee on Bill No. 60 be concurred in?

MOTION presented and carried.

MR. SPEAKER: The Honourable Government House Leader.

THIRD READING

BILL NO. 60, as amended, was read a third time and passed.

MR. SPEAKER: The Honourable Minister of Northern Affairs.

**SECOND READING
BILL NO. 67 - AN ACT TO AMEND
THE LEGISLATIVE ASSEMBLY ACT**

HON. J. COWAN presented Bill No. 67, An Act to amend The Legislative Assembly Act for Second Reading.

MOTION presented.

MR. SPEAKER: The Honourable Member for Turtle Mountain on a point of order.

MR. A. RANSOM: I'm not certain of this, Mr. Speaker, but does that not require a message from Her Honour? You had that, oh I'm sorry.

MR. SPEAKER: The Honourable Minister.

HON. J. COWAN: Yes, Mr. Speaker, well at many occasions . . .

MR. SPEAKER: Does the Minister have the required message?

HON. J. COWAN: The message - it was moved on the First Reading.

MR. SPEAKER: Fine, thank you. The Honourable Minister.

HON. J. COWAN: Just very briefly, Mr. Speaker, from time-to-time we all have occasion to pay tribute to the Speaker during the course of many debates in the House. I am pleased to be able to, in this way, pay tribute to the work of the Speaker as well. This bill will provide an added indemnity of \$6,000, an increase of \$6,000, to the Speaker's salary over a given year. It has been brought in, I think, partially to bring the salary which is paid to the Speaker here in Manitoba more in line with the national average in respect to salaries which are paid to Speakers. Although it does not accomplish that fully, I think it is a significant improvement in the salary and goes a substantial way toward bringing your salary, Mr. Speaker, closer to the national average. For that reason, I commend it to the House and I think that all members should, in fact, support this bill as it does provide, by way of substance, that which we oftentimes provide to you by way of comment during our speeches.

QUESTION put, MOTION carried.

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Mr. Speaker, I move, seconded by the Minister of Community Services, that Mr. Speaker do now leave the Chair and the House resolve itself into Committee of the Whole to consider and report the bills referred for Third Reading.

MOTION presented and carried and the House resolved itself into a Committee of the Whole with the Honourable Member for Flin Flon in the Chair.

COMMITTEE OF THE WHOLE HOUSE

**BILL NO. 44 - THE LOAN ACT
NO. 2, (1982)**

MR. CHAIRMAN, J. Storie: This committee will come to order. We will begin the proceedings by considering Bill No. 44. What's the pleasure of the House in terms of proceeding - page-by-page? Page 1—pass; Page 2—pass; Page 3—pass; Page 4—pass; Title—pass; Preamble—pass; Bill be reported.

**BILL NO. 45 - THE STATUTE LAW
AMENDMENT (TAXATION) ACT (1982)**

MR. CHAIRMAN: Page 1. The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Chairman, I just want to point out that the Minister of Finance was kind enough to provide the Opposition with his detailed notes on clause-by-clause of the bills and so we have had an opportunity to review those explanations, and so it is therefore unnecessary to ask some of the questions which we would otherwise have been placing with the Minister.

MR. CHAIRMAN: (Pages 1 through 11 were each read and passed.)

The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Mr. Chairman, this is the section 30(4) on page 11, which deals with the powers of officers to stop vehicles and sample for the use of purple gas, for example. We've raised this issue on two or three occasions on this bill previously and during question period, and I would like to suggest to the Acting Minister, the Acting Acting Minister - and that's for sure, Mr. Chairman - that he have a very careful look at this section as to whether or not these sorts of powers really are required. Perhaps there should be some restrictions put upon the circumstances under which the inspectors of the department can search vehicles; perhaps it should only be where there is a road block or where the RCMP are present and where it's obvious to the operators of the vehicles that, in fact, they are being stopped by legitimate law enforcement officers; because of the nature of the operations of these inspectors, that is not immediately evident to people who are stopped by them.

I know that the Acting Acting Minister is a very diligent person and I hope that he will take it upon himself to follow that up with the Minister and his colleagues.

MR. CHAIRMAN: The Honourable Minister of Northern Affairs.

HON. J. COWAN: Yes, Mr. Chairperson. Well as Acting Acting Minister I will talk, talk to the Minister, Minister and I will certainly relay the concerns that have been expressed again in the Chamber, in this committee meeting, to the Minister of Finance and will ensure that he knows that the Member for Turtle Mountain has provided us with further representation on this issue of some importance to them. I will expect

that he will have an opportunity to discuss this at one time or another with the Member for Turtle Mountain, the members opposite, as we have an opportunity to watch the Act in action and see if, in fact, their concerns are concerns which are being exhibited or being manifested by the enforcement procedures.

I know the topic has been discussed in great detail. I'm not certain that I can add substantively to that which has been already said by the Minister of Finance, except to give the undertaking to ensure he's made aware that the subject was once again approached during the committee hearing.

MR. CHAIRMAN: (Pages 11 - 19 were each read and passed.) Page 20.

The Honourable Minister of Northern Affairs.

HON. J. COWAN: Yes, Mr. Chairperson. There have been a number of amendments which were forwarded to members opposite I believe yesterday or earlier today. I therefore move, seconded by the Attorney-General - yes, indeed, a fine person - that Section 46 of Bill 45 be amended by adding thereto, immediately after the word "prescribed" in the first line of the clause (c) thereof the words "where it appears for the first time." —(Interjection)—

I hear a call for an explanation. I'm only too glad to provide the explanation in some detail because an amendment of this importance really should be addressed in that way and we certainly shouldn't make light of it. It's my understanding that "prescribed" appears twice in that particular clause and having appeared twice in a particular clause, it could therefore create some confusion to those reading the Section. So what we have done is very clearly, by way of this amendment, pointed out to those persons who take great interest in these Acts that the "prescribed" to which they should be referencing themselves in one instance is a certain "prescribed" and the "prescribed" to which they should be referencing themselves in the other instance is a different "prescribed."

MR. CHAIRMAN: (Page 20, as amended, and Pages 21 - 37 were each read and passed.) Page 38.

The Honourable Minister.

HON. J. COWAN: Mr. Chairperson, I move, seconded by the Minister of Education:

THAT Section 93 of Bill 45 be amended by relettering clauses (c) and (d) thereof as clauses (e) and (f), and by striking out clause (b) thereof and substituting therefor the following clauses:

(b) by striking out clause (b) thereof;

(c) by striking the words, figure and symbol "more than 4(but" in the 1st and 2nd lines of clause (c) thereof;

(d) by striking out clause (m) thereof and substituting therefor the following clauses:

(m) 28(on every cigar purchased by him for a price at retail of more than 48(but not more than 70(;

(m.1) 37(on every cigar purchased by him for a price at retail of more than 70(but not more than \$1.00;

(m.2) 55(on every cigar purchased by him for a price at retail of more than \$1.00 but not more than \$1.50;

(m.3) 80(on every cigar purchased by him for a price at retail of more than \$1.50 but not more than \$2.25;

(m.4) \$1.15 on every cigar purchased by him for a price at retail of more than \$2.25.

(Recommended by Her Honour the Lieutenant-Governor)

MR. CHAIRMAN: Page 38, as amended.

The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Chairman, just one comment. I'm just wondering how we could appropriately remember this particular amendment and clause in its focus and direction on cigars. Would it be appropriate to call this the anti-Cuba amendment in any way, in the sense that the Havana cigar of course is world famous and it is in a higher price bracket, I guess? Would the Minister care to comment on that?

HON. J. COWAN: I was certainly not prepared to comment on this particular amendment at length but I feel, having given an opportunity now to discuss it, I will look to the members opposite, some of whom I know have given up smoking, and suggest to them that this is a perfect opportunity to talk about smoking, whether it be cigars or cigarettes or a pipe and the advantages of not smoking. The Minister of Health, I'm certain, would want to add some comments to that and there are members opposite who take every opportunity. I don't quite frankly smoke cigars myself nor cigarettes, so I can't really from personal experience expound the impact or affect of this particular amendment, but I do know the Member for Lakeside from time to time does indeed have a cigarette and perhaps he has a cigar once in a while, I'm not certain. If so, from that personal perspective can probably address the issue much better than I. So if he would want to call this amendment by a particular name then I should suggest to him that he should feel free to do so.

MR. CHAIRMAN: The Member for Tuxedo.

MR. G. FILMON: Mr. Chairman, I just wanted to make reference as I did to the Minister when he brought in other legislation that refers in gender that references to purchased by him in each case. Some of my best friends are women and have been known to purchase cigars in the past. So, I just want to place that on the record and ensure that as the government goes through all of its legislation, it endeavours to remove all references to gender in the legislation it brings forward.

MR. SPEAKER: The Honourable Minister.

HON. J. COWAN: Well, as we have had this discussion, that particular member and I previously in respect to amendments of The Worker's Compensation Act, I don't feel it's necessary to go into great length, except to agree with him that legislation does in fact have to reflect a society in which we live, and the society from time to time changes in its own values and its own perspectives. While I have not had great input in the developing of this particular amendment

either from a personal perspective or otherwise, I certainly do agree with the member opposite and his colleagues, I know, who from time to time expressed similar sentiments that in all seriousness that we must begin to look at legislation and apply the norms and the mores of today's society to that legislation in respect to the language which is used.

I thank him for the suggestion, the support, the encouragement and can assure him that as a member of the government, I take his advice seriously and I accept it with great enthusiasm.

MR. CHAIRMAN: Page 38 as amended—pass. Page 39 - The Honourable Minister.

HON. J. COWAN: I move, seconded by the Minister of Economic Development, that Section 95 be amended by striking out the word "on" where it appears for the second time in the third line thereof and substituting therefore the word "or."

MR. CHAIRMAN: Page 39 as amended—pass; page 40—pass; preamble—pass; title—pass. Bill be reported.

Bill No. 46, page 1 - the Honourable Minister.

HON. J. COWAN: Mr. Chairperson, I move, seconded by the Minister of Municipal Affairs, that the definition of employer, as set out in Section 1 of Bill 46, be amended by adding thereto immediately after the word "government therein" the words, "and the Government of Canada." Her Honour, the Lieutenant-Governor, having been advised of the contents of this amendment recommends it to the House.

MR. CHAIRMAN: Is it the will of the committee to pass the motion as amended?

The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Sir, I would like the acting Minister to give an explanation, if he would, of the reasoning behind the necessity of this amendment.

MR. CHAIRMAN: The Honourable Minister.

HON. J. COWAN: . . . Mr. Chairperson, that it makes the Government of Canada come within the definition of an employer, and for that reason provides some sustance to making them part of this particular bill subject to the tax.

MR. B. RANSOM: Mr. Chairman, does the government assume then by bringing in this amendment that they can in fact make this law apply to the Federal Government and that the Federal Government will be required to pay the tax as opposed to paying it by agreement?

HON. J. COWAN: Well, as we have stated before in debate in this House, we have no reason to believe that they will not in fact pay this tax, and we have every reason to believe, given the experience in other jurisdictions, that they will pay this tax. What we are doing by way of the amendment is setting out in the legislation a definitive statement, which I think provides some focus and some clarification of what we believe

will be their natural tendency to want to pay this particular tax. We have no reason at this point and no indication from the Federal Government that they are not prepared to pay this tax. In fact, if one looks at it from a historical perspective as well as from the events which are occurring around us today, we have every reason to believe that they will pay this tax, and we certainly don't want to discourage them from doing so. I think the clarification which is provided in this amendment allows us the opportunity to make very clear that we expect them to pay this particular tax.

MR. B. RANSOM: Mr. Chairman, I'm afraid I don't understand why if the Federal Government is obligated to pay this tax in any case, why it is necessary then to single them out, to be put into the bill? There are a great many other employers who are not singled out and put in the bill.

HON. J. COWAN: Well, it's my understanding that this amendment comes about as a result of discussions over recent days and some of them involve legal opinions, and I would allow the Attorney-General to provide the exact clarification on the legal opinion in respect to this.

However, I do want to make the very general statement which has been made time and time again, and I think is important to reinforce, we have no cause to believe that the Federal Government will not participate and pay this particular tax. They have not indicated that to us. Historically they have paid a similar tax in other jurisdictions. In fact, given the wide public debate, one would anticipate that if they were intent on not paying the tax, they would have come forward and participated in that debate and that has not been the case. So, I think it's very important that we take this opportunity in very general terms to reinforce that impression and to try to lay to rest some of the suggestions that they are not going to pay the tax. They have not said that; they have not suggested that. We are basing our actions here in good faith and so far, they have acted in good faith to my knowledge. Perhaps the Attorney-General would like to clarify the specifics as to why this phrase needs to be added to the Act by way of amendment, but certainly there should be no doubt as to the general inclination on the part of the Federal Government in this respect.

HON. R. PENNER: Yes, just briefly on that point of reference, Mr. Chairperson, the opinion we have is that the Crown, whether in the Federal or Provincial right, is not subject to legislation unless the legislation indicates, by either explicit statement or necessary implication, that the Crown is covered. Bill 46 is far from being clear in its initial form in this regard.

In Bill 46, employer is defined to include "the government" and business is defined to include "the carrying on of the government or of government function." There is some concern as to whether the word "government" would be regarded by the courts as sufficiently precise designation of Her Majesty. Even if it were, the fact that there's no indication of an intention in those words, or anywhere else specifically, to include Her Majesty in the right of Canada, this creates the possibility that we're overcoming by this amendment, that the legislation on that account

could be interpreted to exclude the Crown in the Federal right.

MR. CHAIRMAN: Page 1 as amended—pass; Page 2—pass; Page 3—pass; Page 4 — the Member for Turtle Mountain.

MR. B. RANSOM: Just a minor question perhaps, Mr. Chairman, but this section 5(2) requires a copy of the T4-T4A Summary to be submitted to the Provincial Government. Will there be an extra copy of the Summary provided to employers, in order that they may forward a copy to the government? As the Minister is probably aware, there are a great many small employers, or employers that employ small numbers of people, who don't have access to copying machines that readily.

HON. J. COWAN: The matter which the member has brought to our attention is one that is worthy of some further consideration by the Minister of Finance and I will certainly bring the concerns to his attention. I can't right at the moment, answer specifically as to whether that copy will be provided. However, I will bring it to the attention of the Minister of Finance and I'm certain he'll take the appropriate action from there.

MR. CHAIRMAN: Page 4—pass; Page 5 - the Member for Turtle Mountain.

MR. B. RANSOM: I'd be interested in the Minister's reaction to the provisions of this Act which place the government's call on the tax ahead of that of wage earners.

HON. J. COWAN: I'm sorry, there was a bit of discussion here and I missed just the last sentence of the member.

MR. B. RANSOM: Mr. Chairman, I was interested in what the Minister's reaction would be to those provisions of this Act, which places the call upon monies held by any employer, gives government the priority over wage earners.

HON. J. COWAN: That is something that has been addressed in the debate by the Minister of Finance and there were concerns which were brought forward by members of the Opposition during that particular debate. I am certain that the Minister of Finance, also being the Minister of Labour, is paying heed to those concerns and will be reviewing the matter. I know he will want to talk about it in some detail with his Cabinet and his caucus; and I can only suggest that if there isn't an equity there, and I'm not saying that there is, but if it is found to be that there is; then one would take the appropriate action to correct that. If that is found to be the case, and I say that and I must clarify it, that I say that without suggesting that is the specific case in this instance.

MR. CHAIRMAN: Page 5 — pass; Page 6 — The Member for Turtle Mountain.

MR. A. RANSOM: Mr. Chairman, I wonder if the Minister can advise the committee whether they've given

any consideration to changing Section 9(3), which at present only calls upon the government to refund interest at three-quarters of the rate prescribed under the regulation - by regulation under The Financial Administration Act, for the purposes of subsection 2, etc., meaning that the government is only required to pay three-quarters of the rate of the interest which they charge on money due to them. It's not possible for us to bring in an amendment to try and achieve this end. Mr. Chairman, so I'm interested in whether or not the department has given consideration to that, since we raised the issue.

MR. J. COWAN: To my knowledge, this subsection, which provides for the interest on refunds, as a result of an appeal, of course, to the Minister or the courts, sets is at three-quarters of the rate charged on taxes owing and that provision is in fact similar to The Corporation Capital Tax Act, which provides for one-half of the charging rate and The Mining Tax Act, which provides for three-quarters of the charging rate. Given the fact that there is that similarity one would suggest that this particular section does have some substance.

To my knowledge the department has not given specific consideration to bringing it out of line with the other Act, which it now is in line with, according to my information. However, the comments will be forwarded onto the Minister and the Minister, I'm certain, will want to discuss that with the department. But to answer the question specifically, I am not aware that those discussions have been undertaken since the subject was discussed as the Member for Turtle Mountain suggested it has been discussed in the Chamber, but I'm certain that it will be once time permits that to be undertaken. I can't say that there will be changes made because it's my understanding that it is in fact in line with other taxes and for that reason one would tend to believe it to be substantiated. But certainly discussions can be undertaken at any time.

MR. A. RANSOM: Mr. Chairman, as I said earlier, the Minister was kind enough to provide us with some background information and because he was kind enough to do that, I don't wish to use it as a hammer over him for having done it. But I can refer the Acting Minister to the detailed notes where it speaks about section 9, subsection (3), deals with this issue and it ends with a paragraph saying, "It has been our experience that pursuant to refunds resulting from court action relative to taxation acts, with no provision for interest on refunds, the courts have awarded interest at least at the same rate as provided for debts owing." Given that kind of information, which clearly is in the hands of the department, Mr. Chairman, I would urge the Minister again to take this under consideration that perhaps at some future date, they might wish to review this aspect through all of the Acts, because surely it's only equitable that the government should have to pay the same rate of interest which they charge.

HON. J. COWAN: Certainly no urging is necessary for us to take it under consideration. That will be done as a matter of course and I think that my remarks clearly indicated that will be done. So I don't think the

urging is necessary. We will do that and if there isn't an equity and it is found to be so, then we like any other good government, will take the necessary action to ensure that inequity is in fact dealt with in equitable way. So the urging is certainly not necessary.

I have undertaken to provide to my colleague, the non-acting Minister of Finance, the real Minister of Finance, the comments which were made here today and I'm certain he'll be discussing it with his department and that they will be reviewing it when the prospective which has been provided to us by the Member for Turtle Mountain. Now, I don't want to prejudice or prejudice that review, so without wanting to do so, I will leave it at assuring the Member for Turtle Mountain that in fact we'll bring this to the attention of the Minister of Finance. I'm certain he will want as equitable an Act as is possible and will discuss it with his staff from that perspective.

MR. CHAIRMAN: Page 6—pass; Page 7. The Member for Turtle Mountain.

MR. B. RANSOM: Mr. Chairman, I might refer the Acting Minister to Section 12(1) on this page, which reads in part, "Where the Minister is informed or suspects that a person is or is about to become indebted, or liable to make a payment, to a debtor, the Minister may, by registered letter or by letter served personally, demand of that person that the monies otherwise payable by him to the debtor be paid, in whole or in part, to the Minister on account of the liability of the debtor or under this Act." That's actually the whole section, Mr. Chairman.

Now, this section says, "where the Minister is informed or suspects." Now, this smacks very much of people informing upon their neighbours, informing upon competitors, for instance, in business and, indeed, anyone that the Minister suspects. Mr. Chairman, surely, it must be reasonable to expect that in this section, it could be worded in such a way that the Minister must have reasonable grounds to believe, or in some way depart from this kind of language, which seems to be totally objectionable to me.

HON. J. COWAN: Yes, I can only be thankful that we have a Minister who is not very suspicious. For that reason, this particular section of the Act should be less onerous to the members opposite.

Seriously though, I'm informed that it makes little difference in reality as to whether or not the Minister is informed, or the Minister suspects. If the Minister does, in fact, suspect that there is such a situation and is proven to be wrong — (Interjection) — I'm sorry, the member opposite. Well, I'm sorry for the interjections from the side opposite and certainly for the rudeness which followed them. I thought we had been proceeding in a somewhat better fashion.

If the Minister does suspect and it is found that the person does owe money or the Minister is informed, and it is found that the person does in fact come under the provisions of this particular Act - to rephrase that, then the same process flows. So, in those terms, the wording of the Act makes little difference, but I will point out the concerns of the Member for Turtle Mountain, which have been voiced to the Minister, and he may want to discuss that further with him at

another opportunity.

MR. B. RANSOM: My interpretation of this, Mr. Chairman - goodness knows, I can easily be wrong on this - would be that combined with other sections, that if the Minister suspects that someone is about to become indebted or whatever, and asks that the levy be paid and it is not paid, the Minister may then assess a fine against the person for not paying it. So that it becomes to me, even more significant that the Minister would have that sort of power. Would that be a correct interpretation?

HON. J. COWAN: Well, also being party to some difficulties in interpretation from time to time, as the Member for Turtle Mountain suggests we all are, I would hate to provide an opinion specifically as to what he has just put forward would be the proper interpretation or not.

From viewing across the Chamber here, I see that a person who is probably more capable in those interpretations than almost anyone else in this province and certainly more capable than I, is at this time, providing the clarification to the Member for Turtle Mountain.

I hope that satisfied him. Of course, if it hasn't satisfied him, then I'll try to address the issue in more detail.

MR. CHAIRMAN: The Honourable Member for Springfield on a point of order.

MR. A. ANSTETT: Mr. Chairman, I just would like you to check our rules, if you will please, to ensure that the rule with regard to exhibits applies in Committee of the Whole, as well as in the House.

MR. CHAIRMAN: Page 7—pass; Page 8—pass; Page 9—pass; Page 10—pass; Page 11.

The Honourable Member for Turtle Mountain.

MR. B. RANSOM: I have one question here on Section 18(1), the right to examine records and documents; where the Minister, or the director, or if duly authorized for the purpose, any person appointed by the Minister, or any peace officer, may, from time to time, and at all reasonable times, and without warrant, enter upon the business premises of any employer or any premises where the business records of an employer are kept, other than a private dwelling house that is not used for business purposes."

Does this mean that a home where an employer carries on business can be entered without a warrant and searched for records and documents?

HON. J. COWAN: It is my understanding that, if in fact, the business is being undertaken and it falls within the definition in that respect, that would be the case, yes.

MR. B. RANSOM: Well, Mr. Chairman, I think that's an outrageous section and I'm surprised that the members opposite are putting forward that type of legislation. Because something has been done before is no reason it has to be done again.

From reviewing the other Acts, it seems that all of

the powers that have been in other taxation Acts, such as The Retail Sales Act and others, that they have all been pulled together and put into this Act to cover the waterfront. There is no way that anybody could have a possibility of escaping under this Act; not necessarily that they're going to be required, but because they have existed elsewhere, they've all been pulled together and put into this Act, I believe, rather than looking at the nature of the tax that they're going to be imposing here and to develop an appropriate collection system.

Mr. Chairman, I might point out what appears to be a typographical error on Line 5 of 18, Subsection 1, "Business Records of an Employer."

HON. J. COWAN: Yes, as Acting Minister, I think we should delete an "an."

MR. CHAIRMAN: Member for Lakeside.

MR. H. ENNS: Well, Mr. Chairman, just to underline the issue being raised by my colleague, the Member for Turtle Mountain, I make this further observation that, for instance, as compared to the collection role that business people, retailers, etc., carry out in the collection of the retail sales tax, at least in that instance, they have all become licensed tax collectors, at least that's my understanding. A place of business that is selling goods and services that are taxable under the retail sales tax, they, in the first instance, have to become licensed to collect that tax on behalf of the province, and at least there is some registration of these people as licensed tax collectors.

This is not necessarily the case with the persons who will be subject to this payroll tax. It simply reinforces what the Member for Turtle Mountain has already pointed out. It seems to be that they've got all kinds of clauses put together in this one case and the question surely has to be raised, is it necessary? Particularly, inasmuch as this payroll tax is a relatively simple and straightforward tax it's a question of adequately assessing the payroll, getting the appropriate information as to the validity of payroll figures and then assessing the tax that you are imposing on them.

So I point out that view, Mr. Chairman, to the Acting Minister, that in this instance it is not quite the same as the role that is being played by registered licensed tax collectors on the retail sales tax.

HON. J. COWAN: Again, Mr. Chairperson, I will bring those specific concerns - I'm not certain if the part about the registration and the licencing of certain individuals has been brought to the attention of the Minister previous in the debate - I will make certain that he is informed of that particular concern.

I would just look to you for some direction as to the proper way to correct the double and — (Interjection) — it's been corrected? That's been taken care of and I thank the Member for Turtle Mountain for pointing out, not only the typographical error, but for putting on the record for the Minister of Finance to review some of his concerns. I'm certain - and I can assure them because I know it has happened in the past - that the Minister will review those concerns and will take into consideration the comments seriously so and sincerely so; and if in fact it is found over a period of

time that the changes need to be made then, as happens from time to time - Acts are amended in this House - and this may in fact be one of those if that is found to be necessary. At this point, I wouldn't want to give any indication that such is the case, except to say that we, too, on this side are concerned about those rights.

I think we've displayed and exhibited that concern and the Member for St. Norbert brought forward in another committee some concerns and I thought we addressed them effectively, so in a very short period of time, I think that proves that we have, as a government, displayed the same sentiments that the members opposite have put on the record and intend to continue doing so, because we believe those rights are important as well.

If there is a problem in this area and I'm not saying that there is, but if there's found to be a problem in this area and it can be addressed in an effective way then that will be done; and if it is found that there is not a problem in this area and that the Act should stand as it is then that, too, will be done. But I don't think one should suggest that we are not doing as much as we can to protect rights of individuals and I think that, in fact, is a goal which every member in this Chamber shares and is sincere about.

So we will take your comments into consideration from that perspective. I am informed that this does not present the type of problems which it has been suggested that they do present, but I'm certainly not averse to forwarding the information to the Minister and will do so.

MR. CHAIRMAN: (Pages 11 to 15 were each read and passed)

The Honourable Member for La Verendrye.

MR. R. BANMAN: Mr. Chairman, I would like to propose an amendment to 21(4) of this bill. I would propose that Bill 46, The Health and Post Secondary Education Tax Levy be amended by striking out all the words following the word "owing" in the fourth line of Section 21(4) thereof.

Mr. Chairman, one of the things I think that I find particularly disdainful when I'm dealing with any type of legislation and it crops up again several times within this piece of legislation and that is the reverse onus; what I would refer to as the reverse onus clause. Aside from this bill and the concept of the bill being one which I am opposed to, this particular section and the one right after it that I'll be proposing an amendment to really puts the onus on the individual to prove that he or she is in this particular case innocent.

In other words, it really flies in the face of what we all believe is our basic democratic right and our legal right, that we are innocent until we are proven guilty. The reverse onus clause, of course, Mr. Chairman, and I'd like to read it, "The affidavit or statutory declaration by the person serving or mailing a notice, pursuant to Section 3, stating that he has served or mailed the notice is prima facie proof that the amount stated in the notice is due and owing." And then the part that I'd like removed is, "and the onus of proving otherwise rests on the employer."

In other words, Mr. Chairman, what we are being asked to do here is to pass a section which really says

that if you haven't received it and it got lost in the mail or we didn't send it by registered mail, it's up to the employer to prove that he didn't get it. I think that's wrong; I don't think that we should be convicting people or making them go to undue additional amounts of bookkeeping and undue expenses in proving that a person hasn't received what the government has said they have sent them.

So, Mr. Chairman, I would hope that the members opposite would accept that amendment on this particular section.

MR. CHAIRMAN: The Honourable Member for Springfield.

MR. A. ANSTETT: Mr. Chairman, I think the members opposite are displaying the sensitivity to these types of clauses, which they expressed both in committee and earlier in this bill and other finance bills, and I share that sensitivity. I would like to concur with them in their recommendation to the Acting Minister and I would like to suggest to the Minister that he seriously examine the possibility of removing the words that are after the word "owing." I'm sure that if he does not find serious objection to removing those words then he will do so and I know that he's giving it consideration.

Thank you very much, Mr. Chairman.

HON. J. COWAN: I just want to note that the amendment itself has to be amended somewhat because, as Acting Minister, I've become very aware of double words and if you only take out the word "owing" what you then have is "due and and the onus." —(Interjection)— Oh, after "owing," leaving the word "owing." I misread it then, so as Acting Minister, I apologize to the member member.

Perhaps if I can just take one moment and have a quick discussion here, I will be able to respond to this in more detail. The Member for Turtle Mountain, I know, wants to say something on this and I think this would be an excellent opportunity for him.

MR. B. RANSOM: Yes, Mr. Chairman, we'll save the members opposite from having to call another time out and I'll try and —(Interjection)— no time outs in Committee? That's a good ruling Mr. Chairman, I agree with you on that.

Mr. Chairman, I just would like to put on the record of the Committee again some of the comments which I made yesterday on second reading flowing from an article in the Winnipeg Free Press on June 25th in which Mr. London, Dean of the Law School, and David Matas had commented on this bill, on the reverse onus clause. Mr. London had said, "I think in any offence that to reverse the onus onto the accused is not only undesirable but illegal." He said, "I think it's an improper provision." Then Mr. Matas had said, "This looks to me like a clear violation of the Charter of Rights; it should simply be taken out." Mr. Chairman, I say again, very briefly that because we have a similar concern and because the people are unable to make representation to Committee on this item we think it's appropriate to move this amendment and I trust that the government will see the wisdom of voting with us on this amendment.

HON. J. COWAN: Well, it certainly, Mr. Chairperson, addresses the first remarks of the Member for Turtle Mountain. I did not hear directly but we are informed that he would spare us the embarrassment of another time out. It's certainly no embarrassment to take the time to consider a productive amendment which has been brought forward by the members on the opposite side, in this instance having taken that time to give it the due consideration which is necessary and having discussed it with my colleagues, because we truly are a team on this side and acting that way. We have agreed that, in fact, we can accept this particular amendment and want to thank, not only the Member for La Verendrye for bringing it forward, but also for the members opposite for supporting him in bringing it forward and I think it's made it a better bill and I'm pleased that as Acting Minister of Finance I have been able to be party to making this a better bill.

MR. CHAIRMAN: On the proposed amendment to 21.4.

QUESTION put, MOTION carried.

MR. CHAIRMAN: Page 15, as amended—pass; Page 16.

The Honourable Member for La Verendrye.

MR. B. BANMAN: Mr. Chairman, again I move, seconded by the Member for Tuxedo that Bill 46 The Health and Post Secondary Education Tax Levy Act be amended by striking out all the words following the word "bench" in the third line of Section 23(1) thereof.

MOTION presented.

MR. CHAIRMAN: The Honourable Member for La Verendrye.

MR. B. BANMAN: Mr. Chairman, as I mentioned in my earlier remarks, I bring forward this amendment for the same reasons and using the same reasoning that I did for the other one and I hope that the members opposite will support the amendment.

Mr. Chairman, what we are deleting in this, what we hope to remove is the words that come after "bench" and that would mean that the section that we want deleted is: "and the onus shall be on the person to disprove the assessment as affirmed or amended by the decision of the Minister."

So, Mr. Speaker, I think that again the onus is on the individual to disprove that and I think that particular reverse onus provision is particularly objectionable.

HON. R. PENNER: Very briefly, Mr. Chairperson, we're not able to accept this amendment. Let me just say that, first of all, it is not in any way in violation of the provisions in the Charter. The Charter provision deals with criminal prosecutions; this is not a prosecution, this is an appeal from a taxation assessment. Even, let me say as an aside, when one is dealing with a criminal prosecution it is not yet clear whether every reverse onus clause, and there are many of them now within the criminal code and other federal Statutes of a criminal character, it is not yet clear that every reverse onus provision is contrary to the Charter. That

will be a matter of interpretation in light of the language of Section 1 of the Charter.

However, the main point is that, characteristically with appeals from assessments the onus is, in every taxation Statute of which I have knowledge, on the taxpayer. The assessment has been made, the taxpayer is now saying, I say that is wrong and the rule in law is that he who asserts must prove, because that matter is peculiarly within the knowledge of the person who asserts. That is why in an ordinary civil action, never mind an appeal, the plaintiff must prove the case on a balance of probabilities because the plaintiff is asserting, let's say, the negligence of the defendant. He who asserts must prove. That is why in a criminal case the Crown must prove. The Crown, contrary to the presumption of innocence, is asserting guilt and the Crown therefore asserting guilt against the presumption of innocence must prove. Everywhere there must be the location of what is called the onus of proof, so that at the end of the day the trier of fact, if the evidence is balanced, has to make a decision short of flipping a coin; must make a decision in accordance with the rule of law and that decision is made by locating, the law having done it, the burden of proof. And if the person who has the burden of proof has not met the standard of proof required, then that person loses the day.

So what we have here is very much in accordance with the ordinary rules of law. It is not, let me assure the members opposite, contrary to the provisions of the Charter; it is not an extraordinary rule; it is found in all such provisions.

QUESTION put on the Amendment, MOTION carried.

MR. CHAIRMAN: Page 16 . . .

MR. B. RANSOM: Mr. Chairman, we'd like a formal vote on this Amendment, please.

MR. CHAIRMAN: On division?

The Honourable Member for Springfield on the point of order.

MR. A. ANSTETT: I believe the Honourable Member for Turtle Mountain is asking for the members to be called in for a Standing Committee vote.—(Interjection)— Yes.

Mr. Chairman, could we call in the members please?

MR. CHAIRMAN: Call in the members.

A COUNTED VOTE was taken, the result being as follows:

MR. ACTING CLERK, G. Mackintosh: Yeas 18; Nays 26.

MR. CHAIRMAN: I declare the Motion lost.

MR. CHAIRMAN: Clause 23(1)—pass; (Pages 16 to 22 were each read and passed); Preamble—pass; Title—pass. Bill be reported.

With the consent of the Committee, Amendments made to Bill 46 will be also made in the French version. Is it agreed? (Agreed)

**BILL 48
THE APPROPRIATION ACT, 1982**

MR. CHAIRMAN: Bill 48. Page 1—pass; Bill 48—pass.

**BILL 49 - THE SUPPLEMENTARY
APPROPRIATION ACT, 1982**

MR. CHAIRMAN: Bill 49. Preamble—pass; Title—pass; Bill be reported.

**BILL 59 - THE SUPPLEMENTARY
APPROPRIATION ACT No. 2, 1982**

MR. CHAIRMAN: Bill 59. Preamble—pass; Title—pass; Bill be reported.

**BILL 65 - AN ACT TO AMEND
THE CITY OF WINNIPEG ACT**

MR. CHAIRMAN: Bill 65. Preamble—pass; Title—pass; Bill be reported.

**BILL 67
THE LEGISLATIVE ASSEMBLY ACT**

MR. CHAIRMAN: Bill 67. Preamble—pass; Title—pass; Bill be reported.

No further business before the Committee. Committee Rise.

Call in the Speaker.

The Chairman reported upon the deliberations of the Committee of the Whole to Mr. Speaker and requested leave to report same.

IN SESSION

MR. SPEAKER: The Honourable Member for Flin Flon.

MR. J. STORIE: Mr. Speaker, I move, seconded by the Honourable Member for Radisson that the report of the Committee be received.

MOTION presented and carried.

THIRD READINGS

BILLS No. 44 and 45 were each read a third time and passed.

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER, by leave, presented Bill No. 46. The Health and Post Secondary Education Tax Levy Act for Third Reading.

MOTION presented and carried.

MR. B. RANSOM: On division, Mr. Speaker.

MR. SPEAKER: On division? (Agreed)

BILLS No. 49, 59, 65 and 67 were each read a third time and passed.

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Mr. Speaker, would you please call the Private Members' Resolutions which appear on the Order Paper, Pages 9-10 in the order in which they appear?

MR. SPEAKER: The Honourable Member for Turtle Mountain on a point of order.

MR. B. RANSOM: Yes, on a point of order, Mr. Speaker, I would just like to point out that this procedure has been discussed between the Government House Leader and myself. I would just like to put on the record that this is not the normal practice of the House and would not want this to be considered as a precedent for the future.

PROPOSED RESOLUTIONS

RESOLUTION NO. 4 INDEPENDENT CANADIAN ECONOMIC POLICY

MR. SPEAKER: On the proposed resolution, the Honourable Member for Thompson, standing in the name of the Honourable Member for Lakeside, who has seven minutes remaining.

QUESTION put, MOTION carried

RESOLUTION NO. 6 CPR LAND TAX ASSESSMENT

MR. SPEAKER: On the proposed resolution of the Honourable Member for Elmwood, the Honourable Member for Niakwa has 17 minutes remaining.

QUESTION put, MOTION carried.

RESOLUTION NO. 9 WORLD DISARMAMENT

MR. SPEAKER: On the proposed resolution of the Honourable Member for Radisson, standing in the name of the Honourable Member for Inkster who has four minutes remaining.

QUESTION put, MOTION carried.

RESOLUTION No. 8 FEDERAL REPORT ON WIFE BATTERING.

MR. SPEAKER: On the proposed motion of the Honourable Member for Kildonan, standing in the name of the Honourable Member for Fort Garry who has 20 minutes remaining.

QUESTION put, MOTION carried.

BUSINESS OF THE HOUSE

MR. SPEAKER: The Honourable Government House Leader.

HON. R. PENNER: Mr. Speaker, just before calling Bill No. 48 for third reading, I have a procedural motion dealing with the reconstitution of the Committees which have been switched frequently during the course of the Session and I am moving, seconded by the Minister of Health,

WHEREAS on March 3rd, 1982 the report of the Special Committee to prepare a list of members of the Standing Committees ordered by the House, setting out a list of members to compose the Standing Committees ordered by the House was received; and

WHEREAS the membership of the Standing Committees ordered by the House have been varied from time to time by resolutions passed by the House; and

WHEREAS it is advisable to reestablish the memberships of the Standing Committees, excepting the Standing Committee on Municipal Affairs, ordered by the House as hereinafter set out;

THEREFORE BE IT RESOLVED that the membership of the Standing Committees ordered by the House be confirmed in accordance with the following list which then sets out the list as originally given and taken as read.

PRIVILEGES AND ELECTIONS: (11)

Hon. Messrs. Pawley, Penner, Messrs. Anstett, Banman, Brown, Corrin, Fox, Harper, Mercier, Santos, Sherman.

PUBLIC ACCOUNTS: (11)

Hon. Mrs. Hemphill, Hon. Mr. Schroeder, Hon. Mrs. Smith, Messrs. Anstett, Blake, Eyer, Lyon, Malinowski, Manness, Ransom, Scott.

PUBLIC UTILITIES AND NATURAL RESOURCES: (11)

Hon. Messrs. Evans, Mackling, Parasiuk, Mrs. Dodick, Messrs. Doern, Enns, Eyer, Harapiak, Lyon, Orchard, Ransom.

AGRICULTURE: (11)

Hon. Messrs. Adam, Uruski, Uskiw, Messrs. Bucklaschuk, Carroll, Downey, Gourlay, Harapiak, Manness, Orchard, Plohman.

MUNICIPAL AFFAIRS: (11)

Hon. Messrs. Adam, Desjardins, Kostyra, Uruski, Messrs. Banman, Bucklaschuk, Carroll, Driedger, Gourlay, Mercier, Plohman.

LAW AMENDMENTS: (30)

Hon. Mr. Evans, Hon. Mrs. Hemphill, Hon. Messrs. Kostyra, Mackling, Parasiuk, Pawley, Penner, Hon. Mrs. Smith, Messrs. Corrin, Doern, Mrs. Dodick, Ms. Dolin, Messrs. Downey, Driedger, Enns, Eyer, Filton, Graham, Mrs. Hammond, Messrs. Johnston, Lecuyer, Lyon, Manness, Nordman, Mrs. Oleson, Ms. Phillips, Messrs. Plohman, Santos, Steen, Storie.

PRIVATE BILLS: (11)

Hon. Messrs. Adam, Desjardins, Hon. Mrs. Hemphill, Hon. Mr. Schroeder, Mr. Ashton, Mrs. Hammond, Messrs. Harper, Hyde, Malinowski, Sherman, Steen.

INDUSTRIAL RELATIONS: (11)

Hon. Messrs. Cowan, Kostyra, Schroeder, Hon. Mrs. Smith, Messrs. Blake, Enns, Mercier, Nordman, Ms. Phillips, Messrs. Scott, Storie.

STATUTORY REGULATIONS AND ORDERS: (11)

Hon. Mr. Penner, Messrs. Bucklaschuk, Carroll, Ms. Dolin, Messrs. Fox, Graham, Harper, Kovnats, McKenzie, Mrs. Oleson, Ms. Phillips.

ECONOMIC DEVELOPMENT (11)

Hon. Mr. Cowan, Hon. Mrs. Smith, Hon. Mr. Uskiw, Messrs. Ashton, Brown, Ms. Dolin, Messrs. Filmon, Johnston, Lecuyer, McKenzie, Scott.

RULES OF THE HOUSE: (8)

Hon. Mr. Penner, Messrs. Anstett, Corrin, Fox, Graham, Kovnats, Ransom, Santos.

All of which is respectfully submitted.

MOTION presented and carried.

COMMITTEE CHANGES

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. R. BANMAN: Mr. Speaker, after that motion I would ask that, on the Rules of the House Committee, I'd like to substitute the Member for Fort Garry for the Member for Niakwa; and on the Municipal Affairs Committee, I'd like to substitute the Member for Emerson for the Member for Roblin-Russell.

MR. SPEAKER: Agreed? (Agreed).
The Honourable Government House Leader.

THIRD READING (Cont'd)

**BILL NO. 48
THE APPROPRIATION ACT, 1982**

HON. R. PENNER presented Bill No. 48, An Act for Granting to Her Majesty Certain Sums of Money for the Fiscal Year Ending March 31st, 1983 and to Authorize Commitments to Expend Additional Money in Subsequent Years and to Authorize the Borrowing of Funds to Provide for the Cash Requirement of the Government, (The Appropriation Act, 1982), for Third Reading.

MOTION presented and carried.

MR. SPEAKER: The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, I would like to take this opportunity at Third Reading on the Main Supply motion to express a few thoughts that can't help but come to our minds as this First Session of the Thirty-Second Legislature draws to its inevitable conclusion.

Mr. Speaker, it's been my privilege to have been part of and to have participated in five of the thirty-two Legislatures that this province has seen. So without in any way being presumptuous, it does give one an opportunity to cast some judgment as to how Sessions develop and how Legislatures take on their own unique character. If I had to, and I'm sure if relatively

objective observers watched this First Session of the Thirty-Second Legislature in action and throughout its length, you would only have to use one word to describe honourable members opposite and the government that they represent. Sir, that word is incompetence. It's incompetence in the manner and way in which they operate this House, Sir; it's incompetence in the manner and way they are attempting to carry out the programs that they have, in their first six or seven months, introduced to the province, programs, Mr. Speaker, such as the Beef Program for the relief of the cattle farmers in this province of which we still have seen very little evidence; incompetence, Sir, in the relief that they have provided for the hard-pressed business community with respect to their Interest Relief Program, the Homeowners Program. We have asked on a regular basis . . .

MR. SPEAKER: Does the honourable member have a point of order he's getting to?

MR. H. ENNS: No, Mr. Speaker, I'm speaking to the bill. I was deferring to you inasmuch as you were standing and was prepared to wait for any ruling that you may have.

MR. SPEAKER: The bill was passed when the honourable member rose to make his remarks. Does the honourable member have leave to make his remarks?

The Honourable Government House Leader to a point of order.

HON. R. PENNER: Well, Mr. Speaker, we were willing to grant leave, and still are, but when the member opposite says, "Sit down, twerp," then I don't think that is really the kind of spirit. I consulted with the Member for Springfield, and it was my distinct recollection and observation that the bill had been passed but we are willing to recognize that the member wished to speak and grant leave to do that in accordance with the courtesy of the House. But courtesy demands courtesy and to call across, when a genuine point is raised, "Sit down, twerp" - the bill was passed and the Speaker has ruled that it was passed. — (Interjection)— Well, Mr. Speaker, then we do not give leave.

MR. SPEAKER: Order please. I will check Hansard tomorrow to see whether or not the bill was passed. I was under the distinct impression that I had ruled that the bill had passed and that the member was rising on a matter of order or something. Since the member is halfway through his remarks and there may well be a reply from the other side, may I suggest it would be only courteous to the honourable member to let him proceed with his remarks and grant the same courtesy to another member who wishes to reply to those remarks. That would meet the approval of the House.

The Honourable Member for Lakeside.

MR. H. ENNS: Mr. Speaker, I appreciate that the movement of bills through the House was proceeding but I was on my feet when the bill was called. You, Sir, proceeded with the action, but it is generally accepted in this House that when a member rises that he will be afforded the opportunity of speaking. Mr. Speaker, let

me proceed then.

I used the word "incompetence" in describing the actions of this government, both in this House and in their first seven, eight months of government, in the introduction of the various programs that they have attempted to - and I have to use the words "attempted to," - bring to the people of Manitoba.

Mr. Speaker, but nowhere, nowhere, was that incompetence more clearly spelled out than in the most disappointing manner and way in which they incompetently handled the negotiations that were left to them to complete and to conclude on such major developmental projects as Alcan and the Western Intertie and Manitoba's first potash mine to be located here in Manitoba. Mr. Speaker, members opposite, the Minister of Economic Development, speaks of their government's different priorities, that they will stimulate the economy in Manitoba with selective tax increases. Well, Mr. Speaker, even if they don't subscribe to the stimulation of economy by tax cuts as the accepted economics of that kind of use of fiscal policy, then surely they cannot be so blind as to suggest that the impost of a massive new tax, the payroll tax, at this time when businesses of all descriptions, large or small, are facing difficult times will in any way assist them in their capability of carrying on the affairs of the province. So, Mr. Speaker, I suggest to you that incompetence is the only way that you can describe that performance that we have witnessed now for these past four months and some days.

Mr. Speaker, on the other side, let me take this time to suggest and let me caution honourable members, as the opposition group warms up to its task over the next little while, you haven't seen anything yet. Let me remind that same casual observer that I referred to earlier that would sit in judgment on this scene that we are operating with a House Leader that is doing the job for the first time; most people looking at this House would think he had been doing it for 20 years, and Sir, under the active leadership of all our members, most specifically by our leader and others, we have been the kind of opposition that the people deserve, that anybody deserves in a democratic society. We have held the hands of this government from doing unnecessary harm in certain instances, from not passing certain legislation that would have caused nothing but difficulty and problems for the people of Manitoba. I could name you some of the bills that they have seen the light to, that they have withdrawn from, that they have backed away from. We have made the necessary amendments, certainly would have liked to make more amendments.

Well, now, Mr. Speaker, it's a funny thing that the character, very often, of a whole Legislature is set in the tone of its very first Session. I've used the word "incompetence" to describe it. I submit, Mr. Speaker, that that is the way this whole government and this whole Thirty-Second Legislature is going to be recorded. Mr. Speaker, if the government thinks that in opposition we have sometimes been unfair or that we have not been as constructive as we could have been, let me remind the honourable members that I can't recall in my history, in my experience in political life, ever seeing a group of people getting into office in a more irresponsible fashion. Mr. Speaker, political promises is the very essence of our free democratic

society as the different groups vie to have the privilege and the responsibility of the conducting of public affairs for our province.

We can recall that the promises that we made in 1977 were very clear. The fact of the matter is, that the people of Manitoba, once they were practised had some second thoughts about it, but not that many, Sir; 44 percent believed that we were on the right track. I'll even go so far as to saying that the New Democratic Party that was elected in 1969 had some very specific promises that they could carry out. They said free Medicare; they said government-run automobile insurance; and they carried them out.

But, Sir, in conclusion, let me just remind this government of the platform that they ran on and the platform that we will never let them forget in this infamous document that we will keep before us, have kept before us, and will keep before us, and will keep referring to.

Mr. Speaker, we have a government here that during the last election, in October-November said, "We can build a dynamic future in Manitoba. We can turn around the harsh, economic circumstances of the past four years. We can tap our resources of energy wisely, with ManOil and Manitoba Hydro." Well, Mr. Speaker, this was a carefully researched piece of material; this wasn't just loose glib rhetoric. They knew that every one of these promises touched the very soul and the concerns of the people of Manitoba. The idea of ManOil operating for all of us Manitobans brings an instant appeal.

Mr. Speaker, he goes on to say, "We can provide interest rate relief." Well, Mr. Speaker, we've been asking that throughout this Session. "We can ensure that Manitoba's farms remain in the hands of Manitoba farmers." They've done nothing about that. "Manitobans are great people; together we can build that future. That's a promise we can guarantee," says the First Minister, says Howard Pawley. "We can guarantee." There's no reference to acknowledgement that we have a problem with the world economic situation; no reference to a certain President by name of Reagan; no reference to anybody else other than saying and suggesting to the people of Manitoba that they, the New Democrats, in isolation from anybody else and any other factors that impinge on our capability as a province to react can do that.

That, Sir, is the ticket that they ran on; that, Sir, is the ticket that we will constantly be reminding them of in the manner and way which that is not being lived up to. That is our job, Mr. Speaker, as Opposition, and we're going to carry it out.

MR. SPEAKER: The Honourable Attorney-General.

HON. R. PENNER: Mr. Speaker, just a few remarks in reply . . .

MR. B. RANSOM: On a point of order, Mr. Speaker.

MR. SPEAKER: The Honourable Member for Turtle Mountain on a point of order.

MR. B. RANSOM: I believe that the Attorney-General, the Government House Leader, has already spoken on this bill.

MR. SPEAKER: Order please. Because the matter is somewhat irregular and there seems to be some doubt as to whether the bill was or was not passed, I suggested to the members that the Member for Lakeside be allowed to make the remarks that he obviously wanted to at this time, and that, by leave, whatever remarks he made would be replied to from the other side by a member having approximately the same time, and that should satisfy both sides of the House.

HON. S. LYON: On a point of order, Mr. Speaker.

MR. SPEAKER: The Honourable Leader of the Opposition on a point of order.

HON. S. LYON: Mr. Speaker, on the point of order, all the Attorney-General or House Leader had to do was to have somebody else move the bill. You can't break a fundamental Rule of the House, which is that on Third Reading, he who moves the bill cannot speak again, and we do not give leave for that. If he wants to appoint one of his colleagues to speak, that's fine, he can do whatever he wants, but he can't break that rule.

MR. SPEAKER: The Honourable Minister of Natural Resources to the same point.

HON. A. MACKLING: No, Mr. Speaker. Mr. Speaker, if your ruling was that a Member of the Opposition would be entitled to speak on this bill, then I want the privilege of replying.

MR. SPEAKER: The Honourable Minister of Natural Resources.

HON. A. MACKLING: Mr. Speaker, this has been a Session that has been marred by, I believe, unnecessary vitriol, acrimony, sniping, aspersions that have been cast against individual members and their backgrounds. There has been a particularly ugly atmosphere at times in this House and that has been raised by, in particular - and I am embarrassed to say this - by members opposite in casting smears against members on this side of the House.

Now the role of an Opposition, Mr. Speaker, is to criticize, but in a just, sensible and reasonable way. We haven't had that kind of Opposition in this House. We've had smear, innuendo, slander; we've been charged with neglect where we haven't been guilty of any neglect; we've had phony questions: we've had statements made in this House instead of questions; we've had abuse of the privileges of this House day after day - and members opposite are trying to indicate that they have shown leadership in this House. The complete reverse.

We have tried, Mr. Speaker, to consult, to meet the needs of members opposite. The Member for Lakeside can tell you that when he has problems with his constituents he can come to my office and he spoke in my office in respect to the needs of those constituents. That is the kind of treatment we have given members opposite.

Then we have that kind of a speech in here, critical of this government, when we have been positive and reasonable. We've been more than fair in introducing legislation. The House Leader has bent over back-

wards in consultation over there, only to be the subject of criticism and abuse, and members opposite should hang their heads in shame for the kind of attitude that they have displayed in this House.

I wanted to put that on record.

MR. SPEAKER: Order please, order please. I trust that honour is satisfied to both sides of the House and this will confirm that the reading of the bill has, in fact, passed.

HON. S. LYON: Mr. Speaker, on a point of order, the bill has not passed. This is a regular debate and that's it.

MR. SPEAKER: I have made a ruling and the ruling is not subject to argument.

HON. S. LYON: Mr. Speaker, we challenge your ruling.

MR. SPEAKER: The question before the House - Order please, order please.

MR. L. SHERMAN: On the point of order, Mr. Speaker.

MR. SPEAKER: There is a question before the House. Does the Honourable Member for Fort Garry have a point of order?

MR. L. SHERMAN: Yes, Mr. Speaker. I would like to propose the point of order, Mr. Speaker, that the Government House Leader called a series of pieces of government business, which were addressed, which were voted on in a sequence that had been agreed upon. He called Bills No. 45, 46, 49, 59, 65 . . .

MR. SPEAKER: Order please, order please. The ruling is not debatable. The decision of the Chair has been appealed.

The question before the House is, shall the ruling of the Chair be upheld.

MOTION presented and carried.

MR. SPEAKER: The Honourable Member for Turtle Mountain.

MR. B. RANSOM: Yeas and Nays, Mr. Speaker.

MR. SPEAKER: Call in the Members.

Order please. The question before the House is, shall the Ruling of the Chair be sustained?

A STANDING VOTE was taken, the result being as follows:

YEAS

Messrs. Adam, Anstett, Ashton, Bucklaschuk, Corrin, Cowan, Mrs. Dodick, Messrs. Doern, Ms Dolin, Messrs. Evans, Eyler, Fox, Harapiak, Harper, Mrs. Hemphill, Messrs. Lecuyer, Mackling, Malinowski, Penner, Ms Phillips, Messrs. Plohma, Santos, Scott, Mrs. Smith, Messrs. Storie, Uskiw.

NAYS

Messrs. Blake, Brown, Downey, Driedger, Enns, Filmon, Mrs. Hammond, Messrs. Hyde, Johnston, Kovnats, Lyon, Manness, McKenzie, Nordman, Mrs. Oleson, Messrs. Ransom, Sherman, Steen.

MR. ACTING CLERK, G. Mackintosh: Yeas 26; Nays 18.

MR. SPEAKER: The Motion is accordingly carried and the Ruling is sustained.

MR. SPEAKER: The Honourable Member for Virden.

MR. H. GRAHAM: Mr. Speaker, I was paired with the Honourable First Minister but had I voted, with great regret, I would have had to vote against the Speaker.

MR. SPEAKER: The Honourable Member for La Verendrye.

MR. R. BANMAN: Thank you, Mr. Speaker, I was paired with the Minister of Finance. Had I voted, I would have voted against the Resolution.

MR. SPEAKER: There appears to be no further business before the House.

DEPUTY-SERGEANT-AT-ARMS, Mr. M. Mason: Her Honour, the Lieutenant-Governor.

Her Honour, P. McGonigal, Lieutenant-Governor of the Province of Manitoba, having entered the House and being seated on the Throne:

Mr. Speaker addressed Her Honour in the following words:

MR. SPEAKER: May it please Your Honour:

The Legislative Assembly, at its present session, passed several bills, which in the name of the Assembly, I present to Your Honour and to which Bills I respectfully request Your Honour's Assent.

DEPUTY CLERK, R. Willis:

BILLS: No. 2 - The Residential Rent Regulation Act. Loi sur le contrôle du loyer des locaux d'habitation, No. 15 - An Act to amend The Marital Property Act, No. 19 - An Act to amend The Landlord and Tenant Act, No. 20 - An Act to amend The Condominium Act, No. 21 - The Community Child Day Care Standards Act. Loi sur les Garderies d' Enfants, No. 22 - Loi sur la Fondation manitobaine des loteries. The Manitoba Lotteries Foundation Act, No. 23 - An Act to amend The Legal Aid Services Society of Manitoba Act, No. 24 - An Act to Grant Additional Powers to F. G. Holdings Ltd., No. 25 - An Act to Incorporate The Winnipeg Humane Society Foundation, No. 26 - An Act to amend The Human Rights Act, No. 27 - An Act to amend The Summary Convictions Act, No. 28 - An Act to amend Various Acts relating to Courts of the Province, No. 29 - An Act to amend The Civil Service Superannuation Act, No. 31 - The Child Custody Enforcement Act. Loi sur l'exécution des ordonnances de garde, No. 32 - An Act to amend The Municipal Act, No. 33 - An Act to amend An Act respecting the

Assessment of Property for Taxation in Municipalities in 1981 and 1982, No. 34 - An Act to incorporate The Menno Simons College, No. 35 - An Act to amend An Act to Incorporate The Mennonite Brethren Church of Manitoba, No. 36 - An Act to amend The Highway Traffic Act, No. 37 - Loi sur le Conseil de la recherche médicale du Manitoba. The Manitoba Health Research Council Act, No. 38 - An Act to amend The Vacations with Pay Act, No. 39 - An Act to amend The Department of Labour Act, No. 40 - An Act to amend The Labour Relations Act, No. 41 - An Act to amend The Employment Standards Act, No. 42 - An Act to amend The Education Administration Act. Loi modifiant la Loi sur l'administration scolaire, No. 43 - An Act to amend The Public Schools Act. Loi modifiant la Loi sur les écoles publiques, No. 45 - The Statute Law Amendment (Taxation) Act (1982), No. 46 - The Health and Post-Secondary Education Tax Levy Act, No. 47 - An Act to amend The Fisheries Act, No. 50 - An Act to amend The Crown Lands Act and The Municipal Assessment Act, No. 51 - An Act to amend The Child Welfare Act, No. 52 - An Act to amend The Liquor Control Act, No. 53 - An Act to amend The Builders' Liens Act. Loi modifiant la Loi sur le privilège du constructeur, No. 57 - An Act to amend The Workers Compensation Act, No. 58 - An Act to amend The Workplace Safety and Health Act, No. 60 - The Statute Law Amendment Act (1982), No. 63 - An Act to amend The Credit Unions and Caisses Populaires Act, No. 65 - An Act to amend The City of Winnipeg Act, No. 67 - An Act to amend The Legislative Assembly Act.

MR. ACTING CLERK, G. Mackintosh: In Her Majesty's name Her Honour the Lieutenant-Governor doth assent to these bills.

MR. SPEAKER: We, Her Majesty's most dutiful and faithful subjects, the Legislative Assembly of Manitoba in session assembled, approach Your Honour with sentiments of unfeigned devotion and loyalty to Her Majesty's person and Government, and beg for Your Honour the acceptance of these Bills;

No. 44 - An Act to authorize the Expenditure of Money for Capital Purposes and Authorize the Borrowing of the same (2), (The Loan Act, No. 2, 1982),

No. 48 - An Act for Granting to Her Majesty Certain Sums of Money for the Fiscal Year Ending March 31, 1983, and to Authorize Commitments to Expend Additional Money in Subsequent Years and to Authorize the Borrowing of Funds to Provide for the Cash Requirements of the Government. (The Appropriation Act of 1982),

(No. 49) - An Act for Granting to Her Majesty Certain Further Sums of Money for the Public Service of the Province for the Fiscal Year Ending March 31, 1983. (The Supplementary Appropriation Act, 1982),

(No. 59) - An Act for Granting to Her Majesty Certain Further Sums of Money for the Public Service of the Province for the Fiscal Year Ending March 31, 1983 (2). (The Supplementary Appropriation Act, No. 2, 1982).

MR. ACTING CLERK, G. Mackintosh: "Her Honour The Lieutenant-Governor doth thank Her Majesty's dutiful and loyal subjects, accepts their benevolence

and assents to these bills in Her Majesty's name."

HON. P. MCGONIGAL, Lieutenant-Governor of the Province of Manitoba: Mr. Speaker and Members of the Legislative Assembly:

The work of the First Session of the Thirty-Second Legislature has now been completed. I wish to commend the Members for their faithful attention to their duties including many hours devoted to consideration of Bills and Estimates, both in the House and in the Committee. I convey to you my appreciation of your concern for the public interest and for the general welfare of our province.

Je remercie tous les membres de cette première tenue de la trente-deuxième Législature et je désire vous exprimer mon appréciation pour le travail assidu que vous avez tous accompli pendant ces derniers mois.

I thank you for providing the necessary sums of money for carrying on the public business. It will be the intention of my Ministers to ensure that these sums will be expended with both efficiency and economy by all departments of the government.

In relieving you now of your present duties and declaring the First Session of the Thirty-Second Legislature prorogued, I give you my best wishes and pray that under the guidance of Divine Providence, our Province may continue to provide the things which are necessary for the health, the happiness and the well-being of all our people.

HON. R. PENNER: It is the will and pleasure of Her Honour the Lieutenant-Governor that this Legislative Assembly be prorogued until it shall please Her Honour to summon the same for the dispatch of business, and the Legislative Assembly is accordingly prorogued.

038

God Save the Queen was sung.